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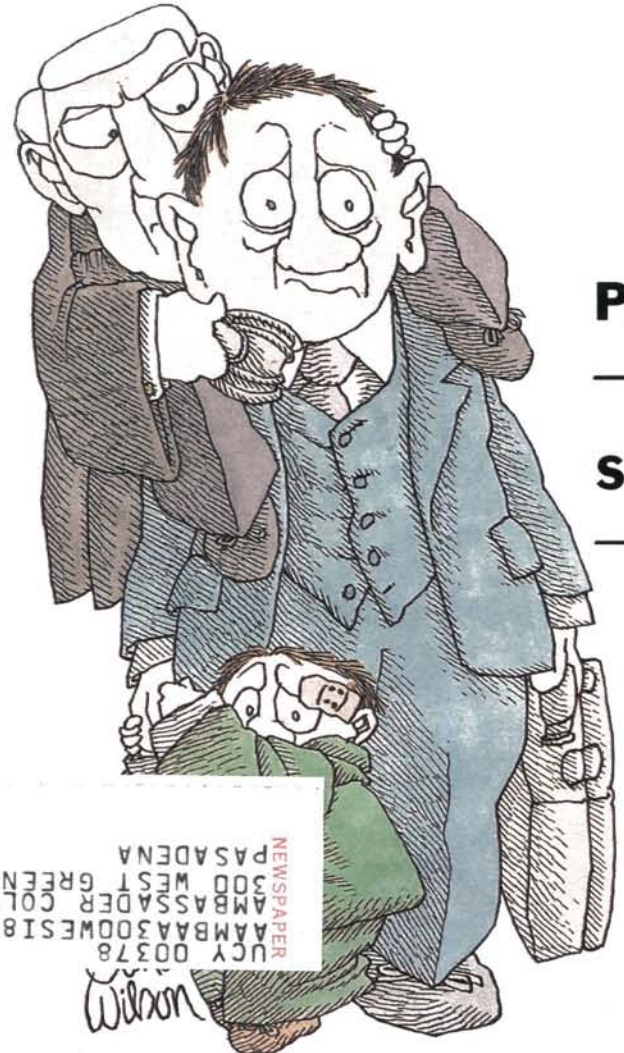
THE NEW REPUBLIC

MAY 9 1986

The Angst of an Aging Activist

Oh my God, Ronald Reagan's president and I'm 37.



Public Interest Blues

—THOMAS GEOGHEGAN

SDS Reunion

—MICHAEL KAZIN

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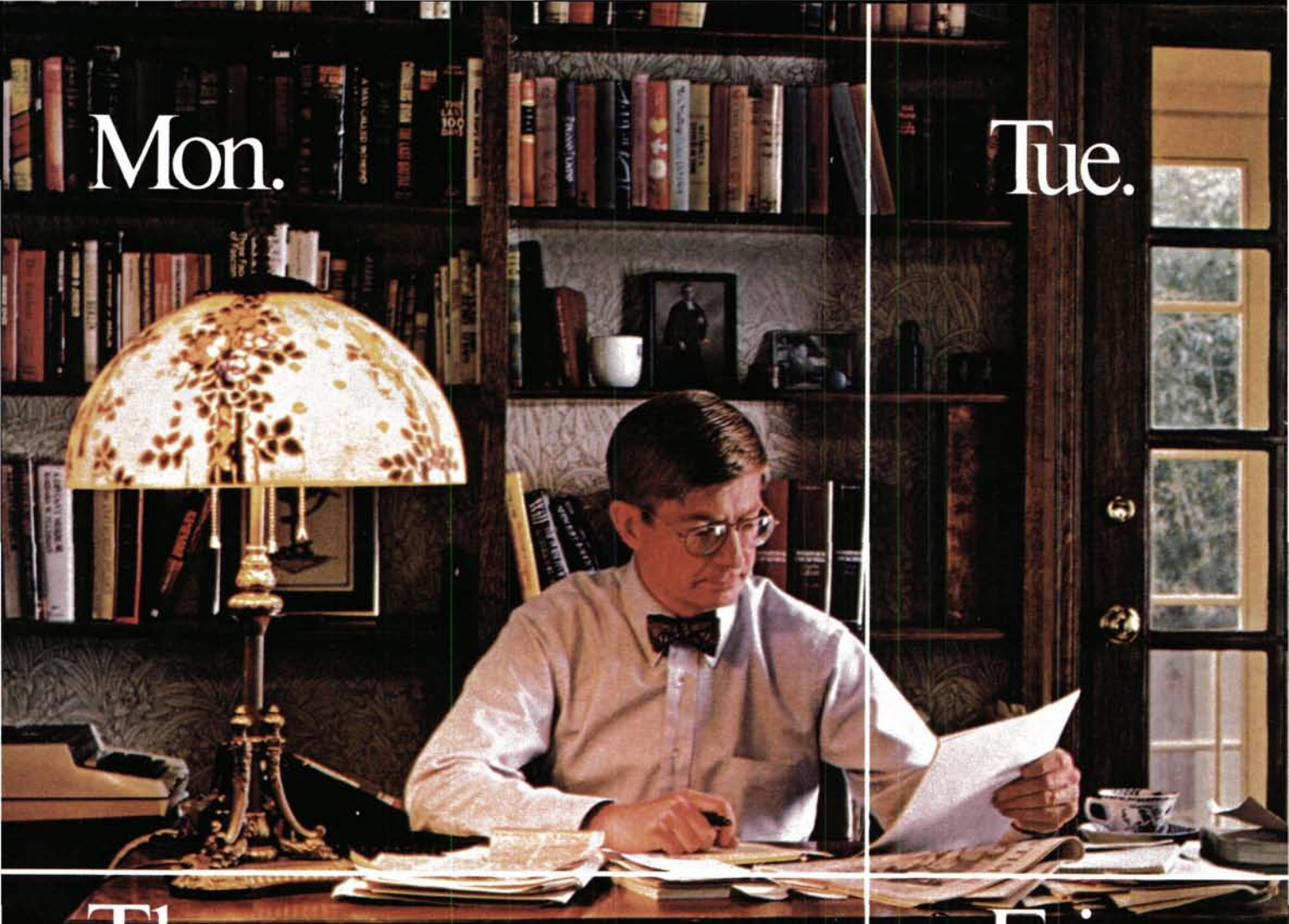

The week Newsweek readers began firing at Will.

The week was January 12th, 1976. The subject: "Knute Rockne for President."

It was George Will's first column for Newsweek. And as he compared the histrionics of a pregame speech to the hysteria of pre-election politics, a new generation of readers was born. Readers who have a peculiar habit of reading our magazine backward. (From the back page, where George's column appears, forward.)

His witty, erudite style has earned him the respect and loyalty of a large (but split) audience: those who love him, as well as those who love to hate him.

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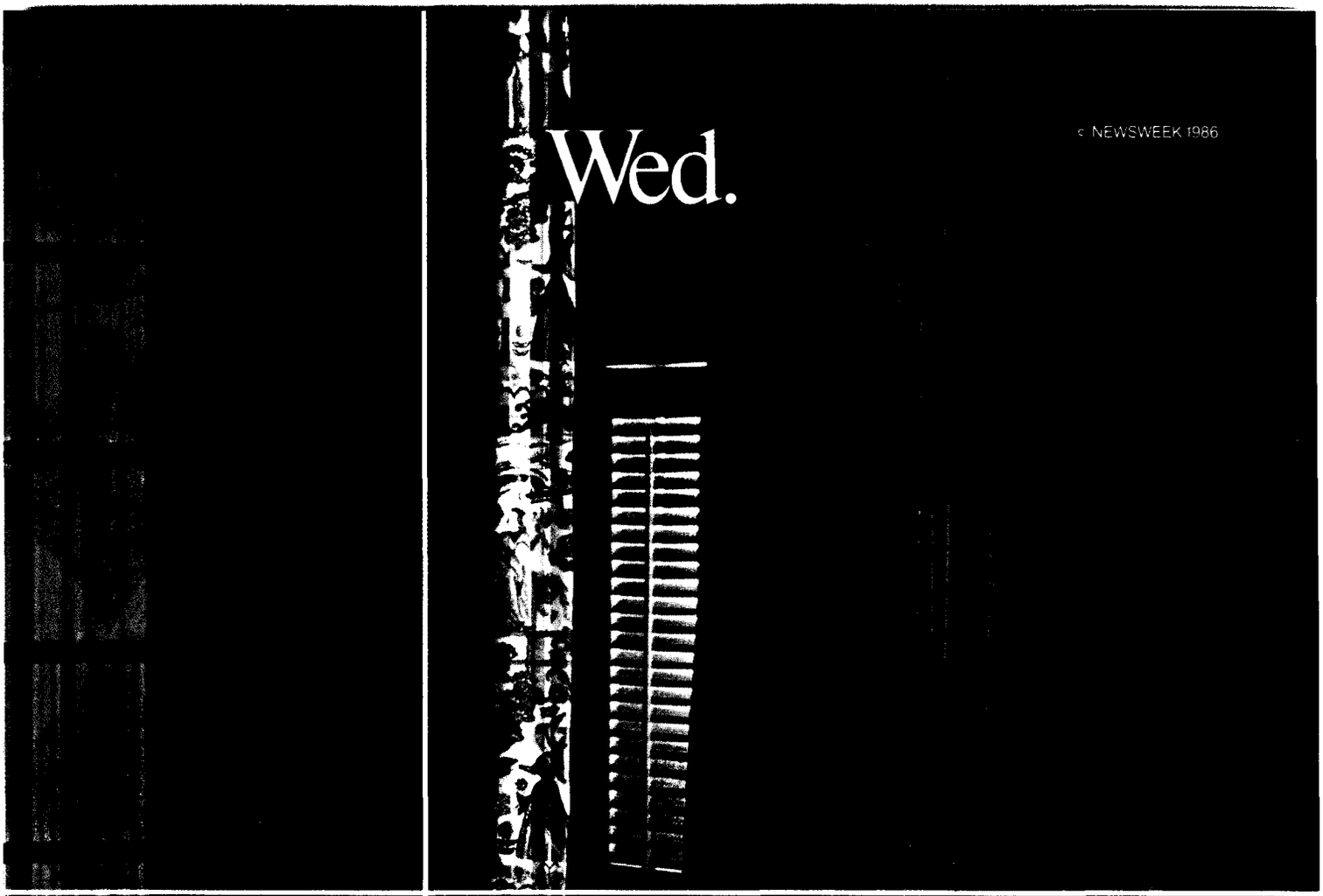

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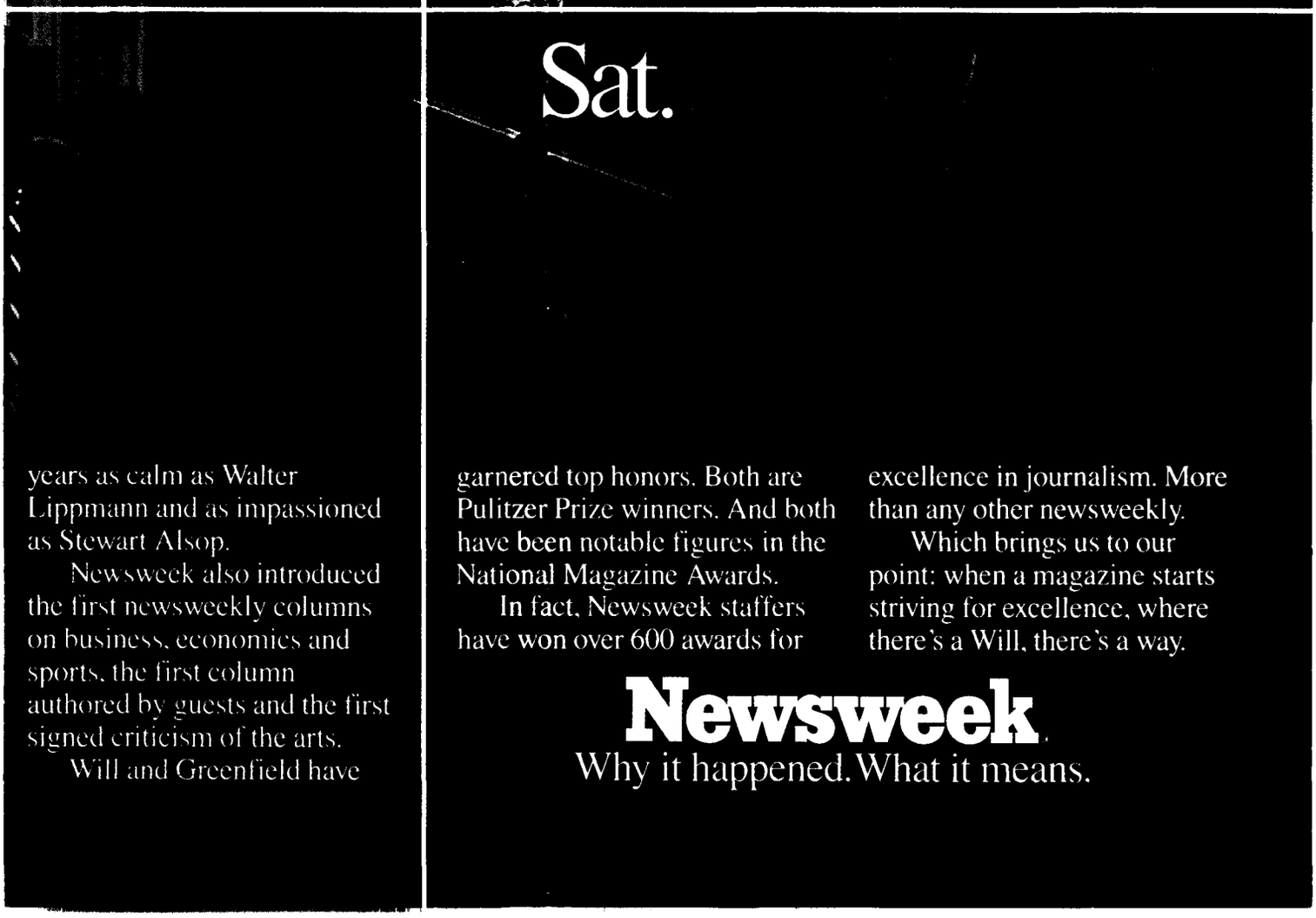

years as calm as Walter Lippmann and as impassioned as Stewart Alsop.

Newsweek also introduced the first newsweekly columns on business, economics and sports, the first column authored by guests and the first signed criticism of the arts.

Will and Greenfield have garnered top honors. Both are Pulitzer Prize winners. And both have been notable figures in the National Magazine Awards.

In fact, Newsweek staffers have won over 600 awards for excellence in journalism. More than any other newsweekly.

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Newsweek.

Why it happened. What it means.

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FROM WASHINGTON

POWER LINES

Everyone seems pretty sure that the Supreme Court is going to throw out the central provision of the Gramm-Rudman-Hollings budget-balancing law. The Court heard oral arguments April 23 and will rule in the next couple of months. The Reagan administration has been urging the judiciary to rule the law unconstitutional ever since President Reagan signed it in a flurry of self-congratulatory publicity last December. Everyone may be right that this is how the Court will rule, but no one should ignore what a dramatic exercise in judicial activism the Reaganites are urging on the Court.

Gramm-Rudman-Hollings puts the government on a five-year deficit-reduction diet, with a formula for mandatory spending cuts if each year's target isn't met. The White House Office of Management and Budget makes an economic and budget projection; the Congressional Budget Office makes another; the comptroller general settles any differences and applies the formula.

Twelve U.S. representatives led by Mike Synar of Oklahoma argue that this arrangement is an unconstitutional delegation of democratic authority by Congress. The Reagan Justice Department makes the seemingly opposite argument that Gramm-Rudman is an unconstitutional usurpation of presidential power by the comptroller general. The Synar argument is regarded as unpromising. (No congressional delegation has been found unconstitutional for half a century.) A lower court rejected Synar's argument and more or less accepted the Justice Department one.

To buy the administration argument, you need to believe first of all that Gramm-Rudman involves the exercise of "executive power." The whole point, though, is to put the government on automatic pilot and deny discretionary power to *everyone*. In oral argument, Solicitor General Charles Fried declared fancifully that the law gives the comptroller general powers "so sweeping" that they "affect every nook and cranny of government." In fact, all this gentleman does is settle a theoretical dispute between two other government offices and whip out his pocket calculator.

The Reagan Justice Department takes the astonishing position that such "power" can be exercised only by someone who serves "at the pleasure of the President." The comptroller general is appointed for a 15-year term and the president cannot fire him. Firing is the right question, since the power to fire is the power to control. But this claim of presidential authority is breathtaking. It would delegitimize every independent agency of the government, from the Securities and Exchange Commission to the Federal Reserve Board, and retroactively invalidate all their decisions.

Solicitor General Fried denies this. He told the Court that Reagan's position in this case "does not in any way cast any doubt on the independent agencies." It's hard to see why not. The Federal Trade Commission, for example, is authorized to ban all "unfair methods of competition." The Federal Reserve Board controls the nation's money supply. How can anyone seriously say these are smaller "powers" than the comptroller general's role under Gramm-Rudman? In fact, the administration's position on Gramm-Rudman is part of an organized right-wing litigation strategy to close down the independent agencies. A former Reagan assistant attorney general is currently suing to have the FTC ruled unconstitutional on almost exactly the same logic as the Justice Department's in this case.

Because the implications of the administration argument are so extreme, many people hope and expect that the Court will overturn Gramm-Rudman on the ground that the comptroller general is not merely independent of the president but actually an agent of Congress. This would save the FTC. But it's a hard case to make. The newspapers keep saying that the comptroller general "can be fired by Congress." This is simply wrong. Firing the comptroller general (something that's never happened) requires a hearing and a joint resolution passed by both houses and *signed by the president*.

True, a presidential veto can be overriden by a two-thirds vote of both houses. But then a hearing and a two-thirds vote of both houses is more than you need to impeach the president. To say that this arrangement makes the comptroller general a tool of Congress is absurd.

Anyway, talk about a technicality! On this ground, an administration pledged to "judicial restraint" wants to overturn the entire Gramm-Rudman procedure. One thing that makes the whole controversy unreal is that (as the Justice Department concedes) Congress could order the exact same budget cuts by passing a law—even over presidential objection, with the same two-thirds vote needed to fire the comptroller general. That's why the really interesting question raised by Gramm-Rudman isn't the alleged encroachment on executive power but the abandonment of legislative responsibility.

In practical terms, though, these seemingly opposite issues amount to much the same question. If Congress is told that it must either decide everything for itself or give total decision-making power to the president—no "independent" middle ground—it will be far more reluctant to delegate its power. And in any event, the lines of responsibility for government policy will be far clearer than they are now. What the growing legal controversy about the "separation of powers" (formerly a fairly sleepy constitutional provision) comes down to is a debate over democratic accountability.

This explains the odd political battle array in the Gramm-Rudman case, with ADA liberals and right-wing Reaganites opposed to the law and the Washington establishment (led by superlawyer Lloyd Cutler, representing the comptroller general) in support of it. What the opponents share is a populist vision that important political decisions should be made by officials who are directly accountable to the people, and a confidence that the people see things their way.

The populist vision is tempting. Why should important matters like interest rates—let alone the shape of the government budget—be decided outside the democratic process? On the other hand, confidence in the democratic process is not enhanced by the collapse of efforts by Congress and the White House to meet the Gramm-Rudman targets ever since it began to appear that the law might be ruled unconstitutional. If the Supreme Court is about to plunge us into a radical experiment in true democracy, we're in for an exciting time.

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THE NEW REPUBLIC

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To the editors:

James K. Glassman's "Waste of 'Time' " (April 21) refers to the "incredibly wasteful bifurcated system of . . . writing news [in which] most *Time* articles are reported by one group of journalists and written by another," thus requiring "twice as many people as necessary." This view of the *Time* system is profoundly mistaken.

Most *Time* stories involve many different events. In the case of the Libyan air raid, for example, the *Washington Post* might carry a dozen pieces in one issue—from the White House, the State Department, one or two locations in Libya, and so on. It is the function of the newsmagazine to pull together the discrete and overlapping events and weave them into a coherent narrative. This obviously requires a writer-editor working from the files of a number of correspondents.

One can argue that this function, like the newsmagazine itself, is unnecessary. But if one assumes that the service performed by the newsmagazine is useful, and many millions of readers obviously do, the "bifurcated system" is not some wasteful extravagance but quite simply essential. Even if correspondents were to turn themselves into writers at a certain point and file directly for print (which in fact our correspondents sometimes do), this would take a lot of time away from reporting. Thus, the unified system Mr. Glassman endorses would require many more reporters. The savings envisioned for a newsmagazine are thus illusory and the loss of quality would be significant.

Expenses aside, Mr. Glassman makes a qualitative judgment of the *Time* system, which, he asserts, the Sharon case showed to be "often miserable." The Sharon case showed no such thing. The system is indeed fallible, as is every system. But there is a tendency in our trade to glorify the lone reporter who does it all himself. Long experience has convinced me that the lone reporter is much more likely to get it wrong than a team.

HENRY ANATOLE GRUNWALD
Editor-in-Chief, Time Inc.
New York, New York

OIL, TOIL, AND TEXAS

To the editors:

TRB's "Let 'Em Rot in the Sun" polemic (April 21) wins the prize for the cruelest, most callous piece of "journalism" that I can recall. TRB, a self-proclaimed liberal concerned about the plight of the poor, manages to find great satisfaction in an economic situation where thousands of breadwinners have been thrown out of work, have lost their homes, and have seen the solid fabric of their personal lives unraveling.

I have lived in Houston for five years, arriving at the peak of the oil boom, and have never seen one of the bumper stickers TRB refers to or heard the appellation "black tag people." With attitudes like TRB's for my guide, however, I just may put one of those "freeze in the dark" signs on my auto when oil returns to record high levels in the not-too-distant future.

GREGORY V. BADER
Houston, Texas

To the editors:

Regarding "Let 'Em Rot in the Sun": my feelings exactly! Have people forgotten the hours wasted waiting in line for gas, the canceled driving trips, the long unemployment lines, or worst of all, double-digit inflation? The oil-producing countries and states have had their day in the sun—let them turn themselves into a "service economy" as the industrialized Northeast was expected to do.

LISA SOCKETT
Cambridge, Massachusetts

'POLITICS' AND PROOFS

To the editors:

Margaret B. Carlson writes in your April 28 issue ("Stockmania"): "Harper & Row has wrested promises from the *Washington Post*, the *Los Angeles Times*, and [TNR], among others, to forgo articles on [David Stockman's *Triumph of Politics*] until after the official publication date." The statement is incorrect. The agreement that I signed obligated only me and the reviewer I had recruited for this assignment, Joel Havemann (not Haverman, as Carlson has it). Havemann and I did not promise that there would be no articles in the *Los Angeles Times* on Stockman's book before its publication. We did indeed agree not to make copies of the book, not to publish anything on it before its publication date, and not to discuss its contents except with each other. Other editors and reporters at the *Los Angeles Times* were not obligated in any way by our agreement. They were free not only to write about *Triumph of Politics* but even to write about it from the proofs, if they could somehow procure them. They simply were not going to procure the proofs from the book editor or the reviewer.

Finally, I must correct a garbled quotation. Carlson writes: "Miles says that 'anybody who wants to write about what's in the book before the publication date is a thief in spirit, if not in fact. Drama critics don't go to rehearsals, movie reviewers don't see rushes.' " Wrong: drama critics do sometimes go to rehearsals and movie reviewers do sometimes see rushes. But what I said was: "Drama critics don't *review* from rehearsals," i.e., before opening night, and "movie reviewers don't *review* from rushes," i.e., before the premiere.

JACK MILES
Book Editor
Los Angeles Times
Los Angeles, California

BIBLICAL POETICS

To the editors:

The tone of Geoffrey Hartman's review of *The Art of Biblical Poetry* by Robert Alter (April 28) is, as Hartman himself admits, "exercised." First, Hartman says, "As for Alter's gift of analysis, I despair of linking it to any theory (none is properly developed). . . ." Alter's clearly written, cogent argument is that he intends to make accessible to the general reader—not only to the critical theorist—how the Hebrew Bible works as a coherent unity whose varied artistic forms are an expression of the ethical monotheism of the ancient Hebrews. Why, may I ask, does this need to be linked to any theory beyond the intelligent and informed close reading that Alter displays?

Next, Hartman complains that Alter's analysis cannot be linked "to any theological perspective (nothing deeper than that 'God's purposes are always entrammeled in history')." But God's involvement in human history is precisely the theological perspective of the Hebrew Bible.

Hartman also argues that Alter's analysis implies that all poetic meaning is really bound up in storytelling. Yet Alter plainly states in his chapter "Forms of Faith in the Psalms" that the psalms are

continued on page 42

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THE NEW REPUBLIC
MAY 19, 1986

PLEASE GO AWAY

Europhobia has swept the nation. Americans young and old recoil in horror from the prospect of transatlantic travel. That Pan Am boarding pass? Might as well be a signed-and-sealed death certificate. You're no fool: this summer it's open season on camera-carrying, well-fed, dollar-laden Americans over there. You figure you've had a good life so far, so why push your luck? So this year you're staying put. Or you'll take that cross-country trip you've always promised yourself. You believe, as we do, in the right to die in bed peacefully when the time has come.

Almost two million Americans planning trips abroad (roughly 35 percent of those with reservations) changed their travel plans in February. Of those, 1.4 million decided against all foreign travel. And that was *before* the American attack on Tripoli. Many tour agents indicate American travel to Continental Europe could be down 80 percent from last year, when a record 6.4 million Americans visited. This year that figure could be barely a million. The collapse of the dollar is partly to blame, but terrorism seems to be the main cause.

The primary effect of Colonel Qaddafi's war against Yankee imperialism, it would seem, is to save the United States Treasury hundreds of millions of dollars in its balance of payments, at the expense primarily of Europe. There would be some justice in this if Americans who are canceling their trips abroad were motivated by the political desire to punish European nations for their craven attitude toward terrorism. But that clearly is not the motive, for the most part. Americans are avoiding travel to Britain and Israel, two nations that have cooperated fully with the United States in taking strong action against terror. France and West Germany, which have imposed stiffer diplomatic restrictions on Libyan embassies in recent weeks, may lose almost as much business this summer as Greece or Italy. Meanwhile, travel to the Soviet Union is up 50 percent over last year. The Soviet Union, ironically, is considered safe from terror, not just because it is a police state, but because it is the major sponsor of terror in the West. The Soviets, it is generally agreed, arm and train revolutionary hit men from, among others, the PLO and the Red Brigades.

When millions of people allow themselves to be terrorized out of their normal travel plans, terrorism has accomplished its purpose. Of course you are under no moral obligation to be a hero on your vacation. But before handing the terrorist international this important victory, please consider as calmly as possible how much heroism it actually takes to travel abroad in the summer of 1986.

According to the State Department, 23 Americans were killed in terrorist incidents worldwide last year, including ten in Europe and none in Israel. The chance of an American's being killed by terrorists while abroad was about two in a million. The trend is in no particular direction. In 1974, 42 Americans died at the hands of terrorists. In 1972 the toll was 23. By pointing this out, we don't mean to suggest that the current tally is tolerable, or to rule out the possibility of bloodier strikes in the months ahead. But we do want to dispel the false notion that, based on statistics, travel to Europe or the Middle East is particularly hazardous to your health.

In the first four months of 1986, five Americans were murdered by terrorists in Europe and 464 Americans were murdered on general principles in New York City. If you decide to take that cross-country trip, keep in mind that 43,500 people were killed in domestic automobile accidents last year. That's about one in every 5,000 Americans, 100 times the rate at which Americans who ventured abroad were killed by terrorists. Take a raft trip or rent a cabin by the lake? Well, 6,600 Americans drowned in 1983. (In fact more Americans drowned in their own bathtubs last year than died in terrorist attacks.) Almost 12,000 lost their lives in falls in 1983. Grizzly bears maul a handful at Yellowstone each year. And every summer a few unlucky campers die from severe allergic reaction to a bee sting. Maybe you should just stay home and sun yourself on the roof of your apartment building? Sorry, no form of travel is perfectly safe: 15 Americans a year die in elevator accidents.

In short, there is no escaping risk. And the hysterical cancellation of travel plans is another good example of Americans' inability to think rationally about the trade-off both between risk and benefit and between different kinds

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of risks. Glamorous, publicized risks loom large in the public mind; mundane, everyday risks are ignored. Most of those who are currently canceling their vacation or business travel plans could do a lot more for their life expectancies by losing ten pounds.

As an example of risk myopia, the present stay-at-home fever resembles the recent hysteria, still only slightly abated, over AIDS. (See "AFRAIDS," TNR, October 14.) As with AIDS, it is celebrities who are making the biggest fools of themselves and setting the worst examples. Steven Spielberg, Martin Scorsese, and Whoopi Goldberg have declined to attend this summer's Cannes Film Festival due to concern over potential terrorist attacks. Even Sylvester Stallone, America's hard-bodied icon of ignorant jingoism, apparently will not be there.

Some people are scared to travel even within the country. Fifty second graders from an elementary school in Virginia had their field trip to a Washington museum canceled because, said the school administration, "in view of the international situation, field trips to the District of Columbia are being discouraged."

This is ridiculous. Terrorists know what they're doing. They play more to the American television cameras than to the audiences in their own countries. And it seems to be working. Don't let it. Go away. Now.

NOTEBOOK

□ KNOCK ON WOOD, COMRADE: "The annals of 'Big Business' are dotted with tragedies. The blood and sweat of millions, the flora and fauna of the planet are thrown on the altar of the 'Golden Calf.'" (*Pravda* on the 1984 chemical disaster in Bhopal, India)

□ THE SLEAZEBALL WATCH: Michael Deaver has asked for the appointment of an "independent counsel" to investigate charges that he misused his White House connections on behalf of private lobbying clients. Ever since the name "special prosecutor" was changed to "independent counsel," the demand for one has become a standard damage-control device for public figures in trouble. It works three ways. First, it allows the subject and his defenders to argue that all judgment should be suspended until the investigation is complete. Second, it suggests—incorrectly—that the only relevant question is whether the law has been violated. Third, even this question is often befogged by considerations of "prosecutorial discretion," so that an independent counsel's recommendation not to prosecute serves as a banner of total vindication. In a way, we feel sorry for Mike Deaver. He happened to be in the wrong place (specifically, on the cover of *Time*) when the ethical winds suddenly shifted. Now he's the fall guy for the sins of an entire influence-peddling culture.

□ NICE TRY: "I don't think this city could work without lobbyists. Nor would the Constitution actually be a live enterprise without lobbies because that's the way one petitions for the redress of grievances." (Leonard Garment, White House counsel under Nixon, now a Washington lawyer, quoted in the *Washington Post*, April 28)

WHITE HOUSE WATCH

NIXON MADE ME DO IT

FORMER PRESIDENT Richard M. Nixon, the hot speaker on the convention circuit, addressed the American Newspaper Publishers Association on April 21 in San Francisco and got a standing ovation. Nixon gets every bit as favorable a hearing at the White House. Since the weeks before last November's summit in Geneva, he's become a regular adviser of President Reagan, by telephone, on Soviet-American affairs. Nixon's line: don't muck up relations by zinging the Soviets too harshly in public. In particular, Nixon persuaded Reagan to mute his criticism of Soviet human rights abuses for fear of hardening Soviet attitudes and making life tougher for dissidents such as physicist Andrei Sakharov. And he urged Reagan not to see Yelena G. Bonner, Sakharov's wife, who has been in the United States since December for heart surgery. Reagan took the advice and declined to see Bonner.

The State Department and the National Security Council took the same position as Nixon's about a meeting between Reagan and Bonner. "The basic thing is not to rock the boat," a State official said. "Sakharov's back there. We don't want anything to happen to him. We want him out too. The concern is not to cause any problem." But Nixon's advice was pivotal. When conservative congressional aides complained about Reagan's decision, a White House official had a simple explanation. Nixon made him do it.

Bonner didn't make the decision easy for Reagan. It's not true, as administration officials claim, that she didn't really want a sit-down chat with the president. One official, splitting hairs, said she hadn't made an "official request" to meet with Reagan. True, but very misleading. Bonner's relatives, who live outside Boston, had been talking to administration officials for months about whether a Reagan-Bonner session would be appropriate. They never asked specifically for a visit with Reagan. Instead, they settled for a mid-afternoon meeting on March 18 with John Poindexter, the president's national security adviser, in his West Wing office.

The 30-minute meeting went poorly. Bonner apparently thought it was a prelude to a visit with Reagan. Poindexter assumed she knew he was the highest official she would see. Thus, he was surprised by Bonner's emotional insistence on talking to Reagan. She told him that the Soviets would interpret the president's refusal to see her as a lack of interest at the White House in freeing Sakharov from his

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"internal exile" in Gorky. Not so, Poindexter responded. Reagan has repeatedly made it clear that he is deeply interested in the Sakharov case, Poindexter argued. Bonner was not assuaged. They spoke through a translator. When she left Poindexter's office, she was visibly upset.

The Oval Office is about 100 feet from Poindexter's office, but Reagan said later he didn't know Bonner was in the building. Still, had he known, it wouldn't have changed his decision. If he had met with Bonner, "this could have put a strain on what we're trying to accomplish," Reagan told a group of columnists and TV commentators on April 23. "We're very interested in doing all we can to get her husband out of the Soviet Union, as well as thousands of other people. And I believe the best way to do that is not on the front pages or by demands that put another political figure in a corner in which he can't get out of the corner without appearing to be kowtowing to a foreign government, in this case our own. And I believe that quiet diplomacy is the best way to succeed in getting this human right observed, the right of dissidents to leave the country." In short, he said, seeing Bonner "would be counterproductive." Nixon couldn't have said it better.

PRESSED BY William Safire, columnist for the *New York Times*, Reagan came up with a fine distinction between a presidential meeting with Alexander Solzhenitsyn, who has left the Soviet Union for good, and Bonner, who is returning and whose husband remained behind in Gorky. Reagan, remember, was wildly critical at the time of President Gerald Ford's decision not to see the freshly exiled Solzhenitsyn at the White House in 1975. Reagan accused Ford of snubbing Solzhenitsyn, and in 1976 Reagan got a passage inserted in the Republican platform that called the Russian novelist a "great beacon of human courage and morality." The difference between Solzhenitsyn and Bonner is "sizable," Reagan told Safire. "Solzhenitsyn was in exile and there was nothing political involved in seeing him. But Mrs. Sakharov left for the health reasons we all know, but left the Soviet Union with an agreement that she would not get with the press or make statements and so forth."

This distinction is tenuous, at best. Still, the White House is adhering to it as a matter of policy. Reagan said no to seeing Bonner, but he plans to confer in the Oval Office with Soviet dissident Anatoly Shcharansky when he visits the United States in mid-May. Shcharansky was released from a Soviet prison in February, and he departed the country, permanently. The Shcharansky case, however, violates the first principle of Reagan's new, Nixon-inspired policy on human rights in the Soviet Union: namely that you don't make a lot of noise publicly about abuses. The Shcharansky drop-by is bound to attract world attention to Soviet abuses again. It is not quiet diplomacy.

In Shcharansky's case, Reagan has done better in honoring the second principle of his policy—you don't flatly claim credit for Soviet human rights concessions. At a nationally televised press conference on February 11, the president said he didn't know exactly what had motivated the Soviets to free Shcharansky. "I only know that since the Geneva meeting there have been not only this but others released, more so than in a great many years. I am encouraged by this because I did talk at great length about the matter of human rights with the general secretary [Mikhail Gorbachev]. All we can do is hope that this is a beginning."

If Sakharov is ever freed, it won't result from public pressure by him, Reagan said at the press conference. Reagan wouldn't even dispute the Soviet assertion that Sakharov knows too many nuclear secrets to be allowed to emigrate. "Well," said Reagan, "it's an argument they've used for a number of people. . . . Now, I have no way of judging how valid that is. But as I say, they've made a start [in releasing Shcharansky], and I hope it is just a start and that they'll continue." He was self-muzzled once more at a White House breakfast with reporters on March 5, declining to criticize the Soviets for mistreating Sakharov. "I can assure you the general secretary of the Soviet Union knows exactly what I think of the way they're treating not only Mr. Sakharov, but all the others that they have there in captivity. . . . I think I would rather leave it that I'm going to deal directly with them [the Soviets] on how I feel, and the less that I say about it publicly, the better chance we have of helping those people."

When word got around the White House in March that Reagan wouldn't see Bonner, an aide offered an alternative sure to please conservatives furious over Bonner. Why not invite Solzhenitsyn to the White House on May Day? After all, Reagan had made such a stink about Ford's snub in 1975. And, the aide told a senior Reagan adviser, Solzhenitsyn had never been to the White House. Forget it, the adviser said. "That won't happen in this White House," he said. The matter was dropped.

FRED BARNES

The retreat of aging leftists.

RADICAL REUNION

"IF I HAD IT to do all over again, it wouldn't be *any* different," the small, gray-haired woman informs the audience at Long Beach State University. Thus did Molly Yard, Swarthmore '33, keynote the early April reunion of 400 activists from two burned-out comets of the left—the American Student Union (ASU) of the late 1930s and Students for a Democratic Society (SDS) of the 1960s.

Political self-reflection is not Yard's style. Fifty years ago she was secretary of the ASU, leading campaigns against ROTC and for the Spanish Republic. Today, as political director of the National Organization for Women, she curses Orrin Hatch for blocking the ERA and organizes demonstrations for abortion rights. The period has

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changed, the causes are different, but Yard still burns with the Popular Front faith in an alliance between powerful liberals and the left. "Mrs. R [Roosevelt] was so important to so many of us," she says. "What she would have thought of the Democrats now!"

One way to gauge the state of a political tendency is to listen to its veterans. And around the no-host bar and banquet chicken at the prosperous Southern California college, the mood was hardly sanguine. Erstwhile Communists and YPSLs bemoaned the decline of the labor movement. A former civil rights activist demanded to know why the left was still all-white. Shared comfort was found only in the observation that today's students, despite their fondness for Reagan, are really more cynical than conservative.

AMERICAN LEFTISTS have always been prophets without honor, not to speak of political power. The German Marxists who founded the A.F. of L., the Debsian socialists who promoted old-age insurance and the income tax, the blue-collar Leninists who organized workers at U.S. Steel and General Motors, and the anarcho-democrats who broke the back of segregation in the South and public support for war in Vietnam all suffered a similar fate. The nation accepted part of the message but repudiated the messenger.

The present seems particularly bleak. American leftists are at the end of a road strewn with lost illusions. Boat people and mass murder in Southeast Asia and privatization in China have shattered notions about the egalitarian humanism of Third World revolution. Economic mistakes and a renewed cold war have indefinitely postponed visions of a socialist Europe led by the likes of Brandt, Mitterrand, and the Italian Communists. Most significant, the notion that the feminist, black, antiwar, and rank-and-file workers' movements would together propel America toward a radical future failed to comprehend the profound hostility bred by the tactics and rhetoric. Only in academia can energetic bands of socialists still be found, and even there disturbing and essentially unanswered questions proliferate: What does "socialism" mean in a nation where the industrial working class is declining and fearful of change? Does a centralized welfare state imperil political liberties? Is there a principled and practical middle ground in the cold war?

The left's latest agonies evoked two general responses from the reunioneers in Long Beach—defensiveness and witty self-criticism. Most of the ASU crowd echoed Molly Yard's paean to a left-liberal Camelot. George Watt, once political commissar of the Abraham Lincoln Brigade, remembered "helping miners to put a bit of bread in their baskets," and in Spain, seizing "the first opportunity on a world scale to stop fascism in its tracks."

The ASU was an often stormy alliance between Socialists and Communists, but after half a century the factional fires have gone out. There was no public discussion of the reason why an organization that in early 1939 boasted 20,000 members and the approval of the White House began to dissolve less than a year later. In fact, the Hitler-Stalin pact of August 1939 shocked liberals and shattered many a coalition that had been dedicated to "collective security" against fascism. At the reunion an ex-C.P.er confided, "One day we marched up the street chanting, 'No aggression, no concessions, keep Hitler out of Poland!' Then we heard about the pact and went back down the street chanting, 'The Yanks are not coming!' " Yet the Pop Front spirit lives. In biographical notes written for the Long Beach gathering, only one former Communist, George Watt, admitted to having been a party member. Otherwise, it was nobody there but us "progressives."

Perhaps it's churlish to reproach people in their 70s and late 60s for painting their political history in rosy hues. Surely, they are entitled to remember their triumphs—building the CIO, establishing a durable left wing within the Democratic Party, and helping bury fascism. But back in 1876, historian and former Paris Communard Prosper Lissagaray advised, "He who tells the people revolutionary legends, he who amuses them with sensational stories, is as criminal as the geographers who would draw up false charts for navigators." If many of the former student radicals of the 1930s have trouble steering straight today, it is because they refuse to be candid about their past.

ON THE OTHER HAND, members of the "younger generation" of the New Left, now on the fringe of middle age, took a more critical view of their own deeds. "Socialism has a crank reputation; it's not on the agenda in this country," admitted Todd Gitlin, who was president of SDS in 1963 and has been writing about the New Left ever since. Feminist writer Barbara Ehrenreich argued with some eloquence that the media-borne image of the "Sixties" omits the "humble and humbling sorts of things" that went on—from door-to-door canvassing to small groups of women examining and transforming their lives. But she also recognized, with one-liners, that the times they have a-changed: "Running in the streets has become a cardiovascular responsibility"; "I hope Jerry Rubin wakes up and burns his American Express Card."

Instead of reiterating old principles, most of the New Left veterans tried to understand the mixed legacy of their movement. Bob Ross, who helped start SDS and now works for a Democratic state senator in Massachusetts, confessed that the New Left's baiting of liberals helped "contribute to the rhetoric and culture of the New Right." Heather Booth of the Alinskyite organization Citizen Action gave Reagan credit for "offering hope" to Americans who "face quiet desperation in their lives," and implied that the left should emulate him, albeit for different ends.

Warm memories were reserved only for the early civil rights movement, in which many of the SDSers cut their political teeth. These men and women, now in their 40s, kept reminding each other about a time in Mississippi when young whites and blacks could not safely ride together in cars and when organizers who demanded the right to vote earned themselves a shotgun wound or worse. But the late 1960s, that period when the SDS and its black

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counterparts imagined themselves to be homegrown Vietcong at war with America, were recalled with embarrassed wonderment. As Todd Gitlin asked, "How did we ever end up with the choice being Ho versus Mao?"

A large segment of the ex-New Leftists at the reunion are now academics, and that explains some of their willingness to analyze rather than celebrate the past. But what really distinguishes them from the 1930s folk also separated them in the 1960s—an irreverence toward foolish tradition. It was one of their generation's worthiest contributions to American political culture. Stand-up comic and sometime tabloid editor Paul Krassner dubbed television laugh tracks "the lowest form of fascism." And after watching a videotaped Joan Baez sing the syrupy anthem "I Dreamed I Saw Joe Hill Last Night," Bob Ross shouted out, "O.K., play ball!"

The problem for the veterans of SDS is that current students may appreciate their humor but rarely share their politics. Only one campus group had a table outside the reunion—the Revolutionary Communist Party. The tiny contingent of leftover Maoists was led by a muscular black man wearing a T-shirt silk-screened with a photo of his leader, a proletarian-style LaRouche named Bob Avakian. When he urged the audience to "take more revolutionary measures to stop American aggression," there was a weary silence. The ghost of 1969 had returned.

Not that campus leftism is dead. A small band of students at Long Beach State pleaded with their elders to help them reconstruct a "shantytown" that the local Young Americans for Freedom chapter had torn down. The day before the reunion began, 87 antiapartheid demonstrators at Berkeley were arrested after fighting with police. But the claim by a student government leader that "soon our campuses will turn upside down" sounded false in its anxious stridency. Indeed, cynicism and a dull fear about the future pervade most campuses. Contemporary college students have absorbed the music and even the hedonistic spirit of the 1960s but disregard or reject its political passions. A newer left is not in sight.

Since the Civil War, American reform movements have always gotten their best ideas and most committed adherents from the left. The political invisibility of radicalism today contributes greatly to the softness of backbone and mental mimicry that afflict so many Democrats. Yet radicals seem bewildered by their own ailments—confusion about ends, an outdated language, a deeply ambiguous past, and a utopian zeal that is at odds with our depoliticized culture. As always, the cure can come only from the young. At the reunion Bob Ross concluded, "Somewhere between the ages of 18 and 25 is a mighty opportunity to speak truth to power."

MICHAEL KAZIN

Michael Kazin teaches U.S. history at American University in Washington. He is the author of the forthcoming *Barons of Labor: The San Francisco Building Trades and Union Power in the Progressive Era* (University of Illinois Press).

Hawks, doves, and Democrats.

THE SOLARZ REPORT

THE WAR IN Vietnam left the Democratic Party bitterly divided ideologically but not evenly split numerically. The party's majority shifted sharply leftward. Those who helped George McGovern win the nomination in 1972 went on four years later to shape Jimmy Carter's foreign policy. The minority of Democrats subscribing to Senator Henry Jackson's national security views—the rightful heirs of the cold war liberalism of Presidents Harry S. Truman and John F. Kennedy—became outcasts in their own party. While remaining nominal Democrats, they went on to vote for Ronald Reagan in 1980 and 1984, serve in his administration, and act as able intellectual advocates of its policies.

All of this hurt the Democrats doubly. Carterism burdened them with the perception that their foreign policy is a policy of weakness, and the intra-party schism handicapped them politically. In a deliberate attempt to restore credibility and unity, a party organ called the Democratic Policy Commission created a task force, chaired by Representative Stephen Solarz, to formulate a new Democratic foreign policy platform. Unfortunately, the Solarz report, issued last month, has set off exactly the kind of acrimonious intra-party debate it was supposed to resolve. The rhetoric of unity notwithstanding, the Democrats remain divided.

One faction, what might be called the Reagan Doctrine Democrats, has been co-opted by the administration. They offer an echo of the Republican administration, not a choice. On the other hand, the party's mainstream offers an echo of Carterism—which is no choice either.

Like America, Democrats are still in Vietnam's shadow. The most contentious issues dividing them concern U.S. policy in the Third World. Carterism was the liberals' response to the costs of American intervention abroad and reflected their determination never to pay such a price again. The United States, Carter believed, was a status quo power that had to get on the right side of change by promoting human rights and supporting progressive movements that would deal with the root cause of Third World revolutions. Because Third World conflicts were said to have indigenous causes and were not part of the East-West struggle, American military power would be ineffective in resolving them. The way to deal with such problems was to act in concert with others to seek diplomatic solutions and provide economic aid.

Carterism has its useful insights, but it was neither a viable nor a politically acceptable foreign policy. It overlooked Moscow's imperial ambitions—not the sole cause of regional conflicts, to be sure, but a relevant factor. Although vital U.S. interests were seldom at stake in Third World disputes, neither American policymakers—including, ultimately, Carter himself—nor the public was willing to hold to Carterism's laissez-faire approach in face of the expansion of Soviet power and influence worldwide.

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The Iran revolution undermined Carterism's critical assumption that the forces of change in the Third World could be managed and that change of a non-Marxist character would always be advantageous to the United States. Repeated crises reminded the United States that it indeed had *national* interests that could not always—or even often—be subordinated to the requirements of multilateral diplomacy and alliance solidarity.

So what has Solarz come up with as an alternative? His report is written in Ted Sorensen's hallmark Democratic style: carefully crafted cadences of evenhanded phrases that consciously—and transparently—try to strike a note of balance. For example, the report now realistically admits that Third World turmoil is caused by political repression and social injustice *and* by Soviet imperialism. Now, while "the United States must never plunge into the needless use of force," Washington should "not shrink from its timely use when necessary to preserve our essential interests." These formulations are clear departures from pure Carterism.

BUT WHEN THE discussion turns to specifics, it becomes apparent that the Democrats are offering the same old product in new wrapping. Instability in Central America is caused by "illiteracy, malnutrition, disease, unemployment and debt." The question posed is whether the United States should "seek a solution . . . through peaceful negotiations *or* military operations" (emphasis added). Washington, it is argued, should refrain from actions that would "embitter" the Western Europeans and others or cause them "to believe negotiating rigidity is found only in Washington." Elsewhere in the Third World, America must align itself with those challenging the status quo. In southern Africa the United States is "on the wrong side of one of the most fundamental moral questions of the twentieth century," and it should "take a universal stand on human rights" because "democracy delayed is democracy denied." As in the Carter years, the most egregious human rights abuses seem to be those of rightist dictatorships. In theory the United States may need to use its military power, but in practice resort to force is foreclosed.

In an attempt to erase the Democrats' image of weakness, Solarz's task force also urges support for anti-Soviet forces fighting in Cambodia. It also embraces the occasional defense program to show that Democrats don't always say no to the Pentagon. Whatever the small benefits of this contrived posture of toughness, they are negated by the Democrats' stance on Central America.

If the Solarz report is any indicator, mainstream Democrats still do not understand that military power remains the ultima ratio in the international arena, and that force and diplomacy are not mutually exclusive alternatives. Certainly, in principle, Washington and Managua have strong reasons to avoid an armed clash. It is possible to envision an agreement exchanging American guarantees of noninterference in Nicaragua's internal affairs for strict constraints on its external and military policies. But because war is a continuation of politics by other means, American policy must combine force and diplomacy to compel the Sandinistas to abandon those policies that undermine regional stability and security. Moreover, even if a Central American peace settlement is signed, the United States still must be prepared to uphold it. The fate of the 1972 Paris peace accords is a sober reminder that unless America is willing to use military power to enforce its terms, a peace treaty can quickly become a mere scrap of paper.

THE SOLARZ REPORT immediately drew sharp criticism from those moderate and conservative Democrats grouped under the banner of the Coalition for a Democratic Majority. The CDM issued a brief response asserting that the "Soviet Union and those it assists or inspires constitute the greatest threat to freedom, peace and progress in the world." Although Third World unrest feeds upon "real injustice and oppression," the forces of change are "frequently aided and exploited by the enemies of democracy, who seek to use them in the interests of Soviet foreign policy." While the U.S. should oppose both right- and left-wing dictatorships, the CDM accepts (without crediting her) former CDM member Jeane Kirkpatrick's distinction between them. Rightist authoritarian regimes can be transformed peacefully into democracies, but totalitarian Marxist ones cannot. They can be changed only by "aiding armed opponents" of communism. In the "final analysis" these enemies of freedom "can only be deterred from greater aggression . . . by the military capacities of the United States."

If all this sounds familiar, it is. The CDM policy is the Reagan Doctrine. Its language follows Ronald Reagan's and George Shultz's almost verbatim, and its substance is virtually indistinguishable from the administration policy. Its criticism of Reagan's policy is managerial only: moderate Democrats can implement the Reagan Doctrine more skillfully and efficiently than the Republicans, and restore the domestic consensus for a strong national defense squandered by Reagan's failure to establish a rational relationship between its expensive military buildup and the nation's strategic requirements. This is a valid criticism, but it is neither original nor partisan, having been made by many Republicans.

The bigger problem with the Reagan Doctrine as a Democratic foreign policy is that the United States lacks the material, psychological, and spiritual resources to remake the world in its image. On this important point, Carterism is right. In a world torn by political, social, and religious upheaval and Third World nationalism, violence is endemic and conflicts are usually intractable. America's ability to control Third World outcomes is limited. In the Philippines—cited as the paradigm of U.S. ability to manage the forces of change successfully—America followed in the wake of events rather than shaping them. And a happy outcome is still far from assured. It is naive to imagine that American values can flourish in countries that have no indigenous democratic traditions. Although the Reagan Doctrine is cast in terms of supporting a "worldwide democratic revolution," only political poetic license permits its supporters to describe the various anti-Soviet forces backed by the administration as "freedom fighters."

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Moreover, the Reagan Doctrine Democrats call for extending U.S. commitments abroad at a time when objective circumstances require their reduction. America's power relative to the rest of the world is declining, and it has insufficient forces to meet all of its formal and informal global commitments. It seems evident that it is politically impossible—and perhaps economically dangerous—to further expand American military capabilities. It is imperative that America's foreign policy set priorities and differentiate between what is vital and what is merely desirable—something the Democratic adherents to the Reagan Doctrine don't do.

Democrats looking for some way to distinguish themselves from Reaganism without sinking into Carterism would do well to turn their attention to Europe. Gorbachev's succession, the Soviet Union's domestic difficulties, and unrest in Eastern Europe may make diplomatic movement there possible for the first time since the 1950s. Because the Soviet-American confrontation in Central Europe is still the most critical and dangerous theater of conflict, nothing would do more to really reduce the risk of nuclear war than disengaging the superpowers and ending Europe's partition. A post-Yalta settlement would not end the global superpower competition, but it would substantially ameliorate it, and both Moscow and Washington—each strained by its imperial burdens in Europe—have parallel interests in exploring the possibilities of such an arrangement.

The alliance, after all, is gradually unraveling because American and Western European interests increasingly diverge. Under these circumstances, America's willingness to maintain its unilateral guarantee of Western Europe's security is bound to diminish—especially as Americans become more fully aware of its nuclear dangers and economic costs. On the latter point, Democratic senators Gary Hart and Sam Nunn have pointed out—correctly—that the alliance's strategic and financial burdens are unfairly distributed. Democrats could advance the national debate by offering a plan for the phased, long-term devolution to Western Europe of full responsibility for its own defense.

As it stands today, however, the Democratic Party is on the verge of foreign policy irrelevance. It does not have to remain there. America needs a compelling alternative to the Reagan Doctrine. Americans show little interest in ideological crusades that could plunge them into quagmires in areas of peripheral importance, but they do want vital U.S. interests defended when they are threatened. American power is finite and the United States cannot impose order on a recalcitrant world, but necessary strategic retrenchment must not turn into a rout. If Democratic foreign policy realists can overcome the Vietnam syndrome that still paralyzes the party, the Democrats' foreign policy views again will command serious attention and their chances of regaining the presidency will be vastly enhanced.

CHRISTOPHER LAYNE

Christopher Layne, a Los Angeles lawyer, has written for *Foreign Policy* and other publications.

The scandals of college sports.

DUNK AND FLUNK

JAN KEMP, an instructor in University of Georgia's remedial education program, was fired from her job in 1982 because she refused to give preferential treatment to athletes. Kemp sued, and over the course of the trial—which she eventually won—an astonishing, though not atypical, picture of the exploitation of college athletes emerged. Perhaps as few as 15 of the 200 blacks who have played sports for Georgia since the color line was broken in 1969 have graduated. Nine football players flunking out of a remedial studies course were mysteriously allowed into the regular curriculum stream in order to remain eligible for the 1981 Sugar Bowl championship. When Kemp refused to change the failing grades of six "student athletes," another university official told her: "Who do you think is more important at this university, you or a very prominent basketball player?"

The answer is obvious. Big-time athletic competition is far more important than education at many major public universities, and nothing is likely to change that. The trustees of Clemson University expressed the prevailing ethos last March after the athletic program's involvement in a drug scandal became known. University president William Atchley tried to fire the school's athletic director and reorganize the department. The trustees were so incensed they fired Atchley.

The issue here goes beyond the education of a few thousand college athletes, or even the academic integrity of American universities. Last January three University of Minnesota basketball players were arrested for sexually assaulting a Madison, Wisconsin, woman. According to their coach, Jim Dutcher, the athletes and the program they were a part of were simply beyond his control. Dutcher says that he could not set realistic disciplinary standards—much less academic requirements—for fear of losing recruits to other schools and compromising his team's competitiveness. In this atmosphere it is hardly surprising that athletes at Maryland, Michigan State, Texas, and West Virginia have also been arrested for assaulting women, drunk driving, or possessing drugs.

Perhaps most disturbing is the way college athletics systematically exploits black youths. Memphis State University, for example, has earned much fame and substantial television revenues for its successful basketball teams, but in the past 12 years not a single one of its many black players has graduated. Nationwide the graduation rate for black athletes is roughly 25 percent, and three-quarters of those who do graduate have physical education degrees.

In the 1960s the universities used the rhetoric of racial progress to justify their treatment of black athletes. Offering scholarships to ghetto kids was billed as an enlightened form of affirmative action. But the dozens of recent scandals have made it clear that the major sports powers care

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little about educating blacks. At the University of Georgia, blacks dominate the locker rooms, but make up a tiny 4.5 percent of the student population. In the Kemp trial everyone stopped pretending. Hale Almond, an attorney for the University of Georgia, explained to the jurors: "We may not make a university student [out of an athlete]. But if we can teach him to read and write, maybe he can work at the post office rather than as a garbage man."

THE OLD LIBERAL rhetoric of affirmative action has been succeeded by the Reagan-era rhetoric of education reform. In January the 700 member schools of the National Collegiate Athletic Association adopted a measure, known as Proposition 48, that apparently would toughen admissions standards for incoming student athletes. Under the old rules, athletes had to have a mere 2.0 high school graduating grade point average. Proposition 48 calls for a 2.0 average in 11 designated "core" courses, and stipulates that athletes score at least a combined 700 on the SAT.

The bill has its opponents, many of them from predominantly black schools who call it a form of "apartheid." Jesse Jackson, Benjamin Hooks of the NAACP, and the National Association for Equal Opportunity in Higher Education have all at one time or another pointed out that since the median SAT score for black male athletes is below 700, Proposition 48 discriminates on the basis of race. But they are overwhelmed by the bill's supporters, who have been loudly congratulating themselves on their commitment to "academic excellence."

If in the 1960s and 1970s football coaches pretended to be Martin Luther King Jr., today they get the chance to sound like Bill Bennett. Georgia's faculty chairman for athletics, Bill Powell, taking time off from the Kemp trial for an NCAA convention, proclaimed that "the added challenge to the student athlete will pay off in the future. Athletics has historically been part of the academic process, but it should be melded into the complete program. It should be used as an incentive for greater achievement, both on the field and in the classroom." Joe Paterno, football coach at Penn State, went even further: "For 15 years we have had a race problem. We have raped a generation and a half of young black athletes. We cannot afford to do that to another generation."

But it's no coincidence that the strongest supporters of the new rule are those colleges—such as Georgia—that have been most guilty of defrauding athletes of educations in the past. For these schools, Proposition 48 is simply an opportunity to posture about academic excellence without actually having to take any meaningful action. Consider the academic standards that Proposition 48 establishes. You score 400 points on the SAT simply by signing your name. If you randomly fill out the answer sheet, you can get a 460. A 700 SAT score hardly signifies a tough stand in favor of academic excellence or a stern warning to high schools and elementary schools. Proposition 48, at best, will require that athletes be literate before entering college—radical by NCAA standards, laughable by any other.

Moreover, Proposition 48 doesn't require that the colleges clean up *their* act at all. The scandal is not only who gets into college, but also what happens to the student athletes once they're there. Despite all the public preening about "excellence," the NCAA has three times rejected a modest proposal that would require student athletes to maintain a minimum GPA sufficient to graduate with a C average.

As for the complaint that Proposition 48 will cause "apartheid," it is simply a more pathetic version of the same cynicism. Berkeley sociologist Harry Edwards, who has long criticized the college sports system, points out that predominantly white universities have the most prestigious and lucrative athletic programs. They have bent or broken the rules for years in recruiting, enrolling, and supporting black athletes, Edwards notes, and have been careful not to institute any rules that might cost them talent.

Even the current putative reforms won't prohibit these schools from handing out scholarships to athletes who fail the minimum academic requirements. The reforms say only that those athletes are ineligible in their freshman year. The big universities, Edwards says, will simply keep a separate roster of first-year ineligible athletes along with their regular players. Those athletes not snapped up by the big schools will simply go to junior colleges, as semiliterate ball players have done for years. Free even of the minimal requirements of Proposition 48, they will play sports for one or two years at the junior-college level and acquire the necessary—and meaningless—academic credentials for college ball.

However, Proposition 48 will affect *where* non-qualifying athletes will go to school: to colleges wealthy enough to keep a roster of athletes who don't play. This means that smaller colleges—especially the historically black colleges that have long recruited undereducated, poor blacks—will be at an even greater disadvantage in recruiting than they already are. This is the real root of black anger at the proposal. Not racial discrimination, but what Edwards calls the effect on "parity between black and white institutions in the collegiate athletic arms race."

REAL SOLUTIONS to the scandal of big-time college athletics will have to be much more rigorous than Proposition 48. Texas, for example, has introduced an unprecedented "no-pass, no-play" rule for high school athletes. Passage of the measure was possible because it was presented as an essential part of a larger campaign to improve public education. And now that it has been instituted, it has won widespread public approval in the heart of football country.

The NCAA needs a "no-pass, no-play" rule of its own. But the same lessons apply. Reform will have to come from outside the system. Edwards recently petitioned the NCAA for statistics relating to the graduation rates of student athletes by sport, race, and field. An NCAA official wrote back: "I can give you no answers to any [of your questions]. I do not know of any study that tells such things." What the NCAA's research department does produce are studies on the "Revenues and Expenses of Inter-

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collegiate Athletic Programs," the "Football Rules Committee Chronology," the "Football Television Briefing Book," and the "Cable Television Briefing Book." The NCAA, says Edwards, is nothing more than a "money-making concern."

It's difficult to find any major group involved in college athletics willing to join the crusade of people like Harry Edwards. The black community, with perhaps the most at stake, seems to be indifferent if not hostile. In Texas blacks remain critical of "no-pass, no-play." In the white community the broader movement for academic excellence has always stopped in time for Saturday afternoon kickoff. And at the University of Georgia? Right in the middle of the Kemp trial, Georgia's athletic department held its annual fund-raising drive and netted a record $4.2 million. School officials are optimistic about the upcoming football season. Jan Kemp be damned. An athletic department spokesman says, "I believe we'll have the biggest ticket sales we've ever had."

MALCOLM GLADWELL

Malcolm Gladwell is a frequent contributor to the *American Spectator*.

The constitutional crisis no one noticed.

MEESE'S POWER GRAB

BY MURRAY WAAS AND JEFFREY TOOBIN

CONGRESS PASSES a bill. The president signs it into law. But his administration decides it doesn't entirely like the bill. So the attorney general—without even going to court—declares part of the bill unconstitutional, and orders federal agencies not to comply with it.

A federal district court rules that the bill is constitutional. The attorney general, hauled before the House Judiciary Committee, says that he's *still* going to forbid the government from obeying its own laws. "The district court does not have the ability to set a national precedent on the constitutionality of the law," the attorney general tells the startled representatives. A congressman asks, "What if an *appellate* court held the law constitutional?" The AG hedges: "I think we would have to review it."

The Judiciary Committee votes to withhold all appropriations from the attorney general's office—including money for salaries—until he agrees to enforce the law. Meanwhile, the federal district court orders the administration to stop flouting the law. Faced with the court order and the threat to his own paycheck, the attorney general backs down. The constitutional crisis is over.

This all happened last year—the final chapter was written just a few weeks ago—yet the episode went virtually ignored by the press. Since 1803, the year of the great case of *Marbury v. Madison*, it has been one of the uncontested maxims of American democracy that the judiciary—and the judiciary alone—has the power to declare statutes unconstitutional. Until, that is, the Constitution met Ed Meese.

Murray Waas, a Washington writer, wrote "The Soul of a New Machine Politician" in the March 10 issue. Jeffrey Toobin, an editor of the *Harvard Law Review*, wrote "Enduring Insults" in the same issue.

The tale begins in July 1984, when President Reagan signed the Deficit Reduction Act into law. One obscure provision of the larger bill was called the Competition in Contracting Act (CICA), which was designed to save money by curbing the abuse of no-bid government contracts. Specifically, CICA strengthened the role of the comptroller general, the largely unknown figure who is currently embroiled in another constitutional contretemps—the dispute about Gramm-Rudman. One of the comptroller general's jobs has been to hear the complaints of would-be federal contractors who think that another company has gotten a sweetheart deal. This is not a trivial problem. Of the $168 billion in government contracts awarded in 1983, about two-thirds were single-source contracts with no competitive bids. Unfortunately, by the time the comptroller general could look into a suspicious contract, it was usually too late to stop it. CICA permits a potential competitor to challenge a deal by filing a protest with the comptroller general. The filing of a protest—and here is the key part—freezes the contract until either the comptroller general makes a decision on the protest or the head of the government agency involved certifies in writing that the contract can't wait because of "urgent or compelling circumstances which significantly affect the interests of the United States." In other words, a disappointed contractor can force the government to give him a fair hearing before the deal is already cooked against him. The comptroller general has 90 days to settle the matter.

Defense contractors—and their chief patron in Washington, Caspar Weinberger—were livid when CICA was proposed, and lobbied hard against it. But CICA's congressional advocates—chiefly Democratic representative Jack

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Brooks of Texas and Republican senator William Cohen of Maine—got CICA attached to the Deficit Reduction Act, figuring that Reagan would not veto the whole bill because of one irritating provision. They were right; Reagan signed the bill on July 18, 1984.

But when he signed the bill, Reagan issued a statement saying he was approving CICA under protest and "instructing the Attorney General to inform all executive branch agencies as soon as possible with respect to how they may comply in a constitutional manner." Translated, that odd phrase meant that Reagan was telling Attorney General William French Smith to order federal agencies not to comply with the law. In mid-October the Justice Department released its internal finding that CICA was unconstitutional. Then on December 17 budget director David Stockman officially ordered all federal agencies to ignore the law. Coming with no fanfare in the week before Christmas and the month after the president had won a landslide victory, the order generated little notice or controversy. House Appropriations Committee hearings on the matter in March 1985 attracted little notice.

Also largely ignored was a March 1985 holding by federal district judge Harold A. Ackerman of Newark, New Jersey, that CICA was constitutional. (The plaintiff was a company called Ameron, which had lost a bid to clean and repair the sewers at West Point and went to court to force the comptroller general to investigate.) Three weeks later Meese was before the Judiciary Committee announcing not only that he thought Ackerman was wrong, but that in his opinion the judge did not have the authority to decide the constitutionality of the law! The *New York Times* didn't even run a story on Meese's testimony, possibly because it came the same day as President Reagan's visit to the Nazi cemetery at Bitburg.

In a May 20 ruling, Ackerman said Meese's position "flatly violates the express instruction of the Constitution that the President shall 'take care that the Laws be faithfully executed.' " Shortly thereafter, at the instigation of chairman Peter Rodino, the Judiciary Committee threatened to cut off Meese's funding. Meese, in turn, capitulated, and Stockman's order was rescinded. The law was once again the law. Ackerman's orders were affirmed in full by the Third Circuit Court of Appeals on March 27, 1986, in a frankly incredulous opinion by a conservative Nixon appointee, Leonard I. Garth.

BESIDES THE inconvenience it might cause to fat defense contractors, what exactly bothered the administration about this law? The Justice Department does not object to the automatic stay provisions of CICA—only to the fact that the comptroller general has the power to lift the stay. According to the administration, this is an executive function and the comptroller general is an officer of Congress; therefore, giving him this function violates the separation of powers. This is exactly the issue now in front of the Supreme Court in the Gramm-Rudman case. The scandal here, though, is not the administration's position on the executive-legislative separation of powers, but rather its trampling of the separation of powers between the executive and the judicial branches.

Presidents have disputed the constitutionality of laws many times. But until Ronald Reagan, no president has ever asserted the right to ignore a law he thinks is unconstitutional, let alone the right to defy a court ruling that a law is constitutional just because he happens to disagree. Until Ed Meese came along, the universal assumption was that you must obey the law until some court rules it unconstitutional—not that you can disregard a law even after a court *has* ruled it unconstitutional, unless perhaps that court is the Supreme Court. (And Meese has never directly conceded that even the Supreme Court can overrule his opinion about a law's constitutionality.)

Testifying before a congressional panel, Deputy Attorney General D. Lowell Jensen attempted to justify the administration's order that agencies should ignore the CICA law by saying that it was designed to force a prompt court test of the law's constitutionality. But that is nonsense. The way to test a law is for one of the affected parties to challenge its enforcement, not to block its enforcement without a court challenge. The Justice Department wasn't choosing an unorthodox method of getting a court test. It was denying that it needed a court test. As Judge Ackerman put it in his opinion, "The action of the executive defendants in this case seems to be one designed to *avoid* a judicial resolution."

THERE IS A genuinely tough constitutional question here: Can the president *ever* refuse to enforce an enacted law because he believes that it's unconstitutional? What if Congress passed an appropriations bill that was necessary to keep the government functioning but also contained a provision banning all black people from the Capitol grounds? If a president signs the bill to keep the government running, what's he to do? Sanford Levinson, a law professor at the University of Texas, believes defiance might be appropriate if the statute would "significantly infringe individual liberties or some fundamental values." Others disagree, saying the better route is to arrange for the law to be violated immediately and allow a court—the designated branch of government for such decisions—to strike it down.

But certainly—certainly—CICA was not the place for the executive branch to make a stand. It is almost too fitting that this administration, so stingy in its view of the breadth of constitutional protections for minorities, the press, and criminal defendants, decided to force a constitutional confrontation on behalf of its favorite oppressed group: defense contractors.

But this episode may be less an attempt to rewrite the Constitution than an ordinary power play. The Reagan administration might like to have a constitutional line-item veto, but even Meese could not have seriously thought that his action was legal. Lowell Jensen, who defended this brazen assault on the Constitution, has been nominated for a federal judgeship. Senators might ask him about it during his upcoming confirmation hearings. □

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The angst of an aging activist.

WARREN COURT CHILDREN

BY THOMAS GEOGHEGAN

MANY OF MY friends, if they are still in legal practice, now hate it. "The world's most overrated job," one of them says. Lined up at motion calls: a lost generation, the Warren Court baby boom, the flood of us who went to law school in the late 1960s and early 1970s. We took Tocqueville seriously, and thought lawyers were America's governing class. And the Warren Court was a Court of gods—Black, Douglas, Warren—hurling thunderbolts to start our cultural revolutions. Back then, the law seemed like a romance. Go to a big New York firm, make tons of money, save the world in your spare time, *pro bono*.

Now in those corporate firms, people look up for the first time after law school, the clerkship, the years of apprenticing as an associate, and ask: "My God, what am I doing? How can I get out?" And these are the plodders. The smart ones bailed out years ago for investment banking. I am even behind the plodders, still doing "causes," as they put it in law school. I work in a small firm of four lawyers, with a kind of Warren Court practice: labor, pension, civil rights, and other worthy causes. Flailing away at it, in the Burger era, you feel a bit ridiculous, like someone still wearing bell-bottoms.

When we were just out of law school, we used to bore each other with our "cases." Now there is an eerie silence. We discuss vacations, restaurants, even business trips, but never "cases." Secretly, we do not even feel like real lawyers. Some of us are litigators, but we never go to trial, at least in federal court. Many of us, I suspect, cannot even draft our own wills, or handle the closing on our own condos. Oh well, we were born for greater things. But even in the big cases, which never go to trial, which linger year after year, crying to heaven, the class-action glamour wears thin. You wonder about the point of it all. You pour your life into some corporate catharsis, which you are paid to turn into your own, and years from now you will look back and ask, Why did I fling so much of my life into that?

As someone in the litigation business, I have the same mid-life angst as my peers do in the big law firms. But in my kind of practice, most of the time you end up writing letters for the Joneses. Every day a history of grief: you pour all their woes into little cassettes, then wipe them off. All morning, you take phone calls. Some unemployed Teamster, afraid you will charge him, says, "Uh, got a spare minute?" An old spinster is certain the governor has killed her dog. Someone needs a form 1053, urgent. In your mail only one real letter: a major client has written a postcard, in crayon, from a White Castle. You think, this guy has no grip on reality. How did he get me to file a million-dollar class action? This is your life, day after day. No court appearance, no summation to the jury, nothing to win you fame, fortune, and the love of women. Women, by the way, are leaving the law in droves. In the big firms they are the first to suffocate, like canaries in a mine shaft.

Yet people are still desperate to become lawyers. Even men and women my age, successful in other careers, talk about starting night law school. Ridiculous? It is the passion to become some secular saint, an Abraham Lincoln, an Oliver Wendell Holmes. In the Illinois bar we clutch at poor Abe as proof that we are doing something great. He is on the cover of the state bar magazine nearly every month. Yet according to his partner Herndon, the practice of law so depressed Lincoln that he could not even get off his couch in the afternoons. He would lie there for hours, paralyzed. And Holmes, when he left the state bench, despaired that he had spent his life on so many trifling cases.

Today, even as a governing class, we lawyers have fallen from grace. We have had to yield to the economists and number-crunchers, who are deregulating the New Deal, our New Deal, like academic bandits. The new Caesars, the Alfred Kahns and David Stockmans, have eclipsed our Joe Califanos and Ramsey Clarks. And in the law schools we have the enemy within, the Friedmanites, trying to turn the law into a branch of economics.

To make it worse, every thoughtful American denounces us. You hear it all the time: we have "overlawyered" the country. We add nothing to the GNP, we give aid and comfort to Japan, we are a brain drain to unproductive pursuits. But perhaps better to have us all clogging up the courts than off in engineering schools working on Star Wars. I have a *New York Times* article from June 1983 in which even leaders of the bar denounce the profession: Derek Bok, Harvard president, former Law School dean, says there are too many lawyers. Warren Burger, the Chief, says there is too much litigation. This from a man who wants a national appellate court, to add another layer of appeal. Then Lloyd Cutler, rich corporate lawyer, says that lawyers serve only the rich. This from a man . . . well, never mind.

II

THERE IS NO POINT in denouncing law school. You saw "The Paper Chase," right? Yes, your classmates tear into casebooks like raw red meat. Yes, in my first year

Thomas Geoghegan is a lawyer in Chicago.

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we had one suicide and (they say) six nervous breakdowns. Yet all the handwringing about the pressures, the appeals for the Red Cross to step in, miss the real irony: law schools do not tell you that this cannibalism is totally unrelated to the real-life practice of law.

Or maybe they honestly do not know. Word used to creep back to us quietly, from the older graduates. "Let's just say," one of them told me, "it's not exactly nuclear physics." Of course, I know one or two lawyers who do think it is nuclear physics. They read *U.S. Law Week* to relax. But most of us find, as a friend of mine says, "Practice is set up for people of ordinary intelligence." Very ordinary intelligence. Go into a courtroom, and just tell yourself: all these people passed the bar exam.

In law libraries I wasted my youth in the romantic belief that the law was a learned profession. I began at Harvard, in Langdell Library, a cathedral of the law, with big Domesday-type books and wall-size portraits of the lord chief judges in scarlet and black. Like many students, I studied the law, serious and grave, stacking up the cases into little theological systems. Now I have ended up in Chicago, in Cook County Library, where it is like reading in a bus station, with chewed-up books, screaming bag ladies, and this public announcement every five minutes: "This is a public library, please watch your wallets and purses."

When I went to law school (1971), there was great intellectual ferment. The Warren Court era was just ending, but that had not yet sunk in. Some of us, in our innocence, thought that the next issue on the court's agenda would be wealth discrimination. How much equality did equal protection require? How much social justice could you squeeze out of those blank constitutional clauses? It is embarrassing to say this, but I used to wait eagerly for the next issue of the *Harvard Law Review*. It seemed to package the debate on the future of the left. I remember an outgoing editor who called it "the most important magazine in America," and I took him seriously. That was its golden age, of course. Now it is in some rococo period, running articles on things like "the role of consent in the political and moral vision of Franz Kafka."

Sound like the Sorbonne? Well, we were only reading torts and contracts. Some professors, the younger ones, started making references to Yeats and Max Weber, but that was it. A priest I know is shocked that law schools do not teach philosophy and history. He asks me, "How do you even practice? How do you know what is just?" Oh, I say vaguely, you learn that in college. In fact, for all my years in this business, I have never had an abstract discussion with anyone about what is just.

I MIGHT HAVE continued believing that the law had some coherence, that it was a worthy intellectual pursuit, but then something frightening happened. Sometime in the 1970s, like some primal big bang, there was a litigation explosion. The case law began growing like a blob. For one thing, judges began letting their law clerks run wild. To decide some motion to dismiss, law clerks began writing 50- to 60-page treatises, which they sent home to their parents, but which have no use for anyone else. Judicial opinions became truly repulsive to read, with great curlicues of "law," Borges-like swirls of pedantic exegesis. Depending on the clerk, your judge could sound like Cardozo in one opinion, or Ken Kesey in the next. Then, at the next status hearing, the man does not even remember your case.

No one fully knows why it happened. But for some reason, the law went from fast-forward in the Warren Court era to very fast-forward in the Burger era. The appellate volumes (F.2d's) and the district court volumes (F.Supp's) stopped being the story of liberty. Instead, they became like raw microfiche, conceptual reasoning with no off-switch, a bunch of law clerks citing each other in a madder and madder blizzard of words.

Supreme Court opinions are the most bloated of all. Even the academics are complaining. In the 1960s Black, Douglas, and other great judges were readable, and short. But in the Burger era there has been a shocking decline into babble. One reason, I believe, is that judges are now afraid. They do not know how far to the right they are supposed to go, so they throw up verbal smoke screens. If you know what is right, like Black or Douglas or even a conservative like Harlan, it is easy to be brief.

III

The hard part of being a lawyer has nothing to do with the law. It is everything else that throws you. Where do I stand? What do I hand the clerk? How many copies do I make? You grovel before the clerks. Not the law clerks, who write the 50-page treatises, but the real clerks, the minute clerks, the docket clerks: the whole Fellini crowd, dwarves, fat ladies, elves, who flick their ashes all over your pleadings. You ask, "Does this affidavit need a blue cover?" And they reply, "Come on, Counsel, you don't even know *that?*"

I try to stay in federal court, but sometimes I slip and fall into the inferno. State court, we call it: Circuit Court, circus court, Circe's court. The clients wear Keds, old ladies pack guns (as deputy sheriffs), and ex-wives jam the halls outside divorce court. FBI "moles" are everywhere, wiretapping judges. In Chicago the heat is on. "If you go in that judge's chambers," a lawyer warned me the other day, "just assume you're on videotape." This is where you live on the edge, filing a mechanic's lien in the morning, then attacking a breathalyzer test after lunch. Get an easy-to-remember phone number ("D-I-A-L-D-U-I") and read the legal tabloids ("Fingers, $660,000").

Ah, the elegance of federal court, where you know the files will not be lost, the judge will not be bribed, and the case will not be tried. Ever. In Chicago many federal judges have over 400 cases on their dockets, and because criminal trials have priority, a civil trial is almost out of the question. I recently learned of a "litigator" in town, now in his 40s, a partner in a big firm, who had never tried a single case. This man was what we used to call a *trial* lawyer. According to a journalist friend of mine, very few big-firm lawyers are impressive in court.

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How can they be? Nobody ever gets to trial.

The big firms send their associates to expensive trial schools. You watch yourself on TV, so you can learn to stop spraying your words on the jury. But there is no real substitute for the actual trial of cases, and if you are serious about it, you have to consider criminal law. The good criminal lawyers, every month, seem to be in some life-or-death trial. But like most civil lawyers, I get queasy just at the status hearings. Sometimes they interrupt the civil call and drag in some wretch of a prisoner, shaking like a wounded animal. Slam. Twenty years. O.K., back to breach of contract. We are very quiet, we civil lawyers. "I did two criminal cases," someone whispers, "then decided I want to sleep nights."

So we spend our lives in status hearings, packed with corporate lawyers, the meters softly running, tick, tick, tick, $200 an hour. This is the world of "complex litigation," cases too big to try, the invention of corporate law firms. But it can happen to any case. You begin with a very simple issue. You remember telling the client, "We might try it in a year." Then the issue breaks into a hundred little pieces. Then the pieces take up three file drawers. Then the whole case turns into a morass of little spats where nobody ever lands a punch.

AT THE STATUS hearings there are no rules. Whoever can talk, talks. You start to speak, and the other lawyer says, "Don't interrupt me, Counsel." Or: "Counsel, I let you talk, now let me talk." Or: "Your Honor, counsel is contemptuous of this court." Afterward, the real assholes wait for you in the hall, and hiss: "Just wait, Counsel, wait till this case is over. We're going to get sanctions against you and your client." Hey, you think, just deck this guy. But you get older, and stop rising to the bait. As the priest would say, that is the legal culture. With no philosophy, no history, what else can lawyers do? We just have a big Hobbesian shouting match: nasty, brutish, and no shorter than *Bleak House*.

With some lawyers, you can work out a code. Like soldiers passing cigarettes across the line, you come to respect each other. As a young lawyer, you can even learn from these other guys, the old-timers, some of whom sense they are teaching you. Sometimes the judge will say, "Counsel, stop fighting," and both of you, shocked, reply, "But Your Honor, we weren't fighting."

Before the judge, you bow and scrape like some royal chamberlain. It is always "Your Honor," never plain "Judge." Disgusting. What would Tom Paine and the Sons of Liberty say? Most lawyers are secret royalists, sticking "Esquire" after their names, oozing and oiling before "Your Honor," one step from wearing powdered wigs. Some of them, I bet, danced naked at Woodstock. Yet once in court, in my own voice too, I detect the hateful note of unctuous servility.

Then one day the status hearings stop, and the judge gives you a date for trial. At first you think, "No, it won't happen." Then you think, "My God, what *is* the hearsay rule?" You start waking up nights, your stomach in knots, and that is when the trial is still two months off.

Maybe the judge is only pressing you to settle. In chambers they say: "Counsel, I can't try this case, you hear me? I can't." Two days before trial, your heart in your throat, you settle. Then one or both lawyers will lean back and say, "Too bad we settled, really. I would have loved trying this one." Yeah, sure, macho all back, fear and trembling gone, it is always too bad we had to settle. But we have to think of the client. . . .

The judge often reviews the settlement for fairness. That lasts about two seconds. You represent the Sandinistas and have settled your case for, oh, half of Florida. The judge, even a Reagan judge, will smile and say: "I want to congratulate you, Counsel, on your professionalism in settling this case."

Usually, by settling the case, you end a two-front war, one with your formal opponent, the other with your client. For example, one lawyer recently told me: "I was screaming at this lawyer, doing fine, almost had a deal. Then my client, next to me, starts screaming, too. Furious, I turned to him and said, '*You*, shut up.' "

In settling cases, I have learned that there are two legal cultures, as one sociologist says. Small-firm lawyers with small clients can settle cases easily. In the end they can turn to the client and say, "You, shut up." But big-firm lawyers have no such autonomy. Their clients are spending millions of dollars. And lately, the big-business clients have become more and more brass-knuckled about litigation. A corporate lawyer I know tells me, "They want the biggest prick they can find." Not long ago our firm reached a tentative settlement with a big corporate firm, and the client immediately fired them.

BEFORE A TRIAL, like many lawyers, I have a minor personality change. I start treating people like witnesses. I try to control conversations. I label every casual remark: "hearsay," "improper foundation," and so on. I only hope, at the end of the trial, I can turn this person off. But a friend of mine, a prosecutor, could *not* turn off. He kept cross-examining everyone, everywhere, the taxi driver, even the maid. Drunk with power, he would lead the witness, cut off the escapes, bore in for the kill. In marriage counseling, I hear, there is a special program for lawyers.

A trial is a barbaric, outmoded kind of personal combat. Like boxing, you wonder why it still goes on. But the old lawyers say you try every case three times: "the one you think you'll try, the one you do try, and the one you wish you'd tried." To me, the great surprise was that a trial is such an athletic event, a physical contest not so unrelated to trials in primitive times. Through the trial, you are constantly sizing up someone's stamina, the client's, the other lawyer's, your own. Should you take a break now? Can your witness keep going? Is the other side running out of questions? In short trials, you are weirdly lucid, full of adrenaline, happy to skip lunch. Then it is over, and suddenly you are tired, with a horrible, bone-tired fatigue. *Then* you have insomnia, awake half the night, trying the case you should have tried. When lawyers say they are "on

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trial," it is no slip: you are "on trial," like the client. But you sought it out. You went into court and did something that could blow up in your face. Why?

During a hearing last month, my client leaned over and said: "Tom, I don't care what happens to me now. This has been worth it, just to see Dixon squirm." And it was a good day for us. Their witnesses were blowing up. One kept wringing his hands like Lady Macbeth. Another screamed at me, "I know what you're going to ask, and don't you dare, don't even *dare*." And the other lawyer had the look of Hamilton Burger, head in hands, after Perry has said, "Your witness." Wow, I thought.

After the trial, over a beer, there is some long, post-cathartic wrap-up. Your client comes alive, after sitting in court for days, dazed, the whole trial like a dream, everyone up there attacking him, defending him. "Oh, I loved it when you asked . . ." And: "Did you see the judge when he said . . ." For an hour or so, you may be the closest friend he ever had. A retired teamster, a Vietnam vet—he and you will never be this way again.

IV

SOMETIMES I DOUBT that many of us Warren Court children can survive one more Republican term. Title VII lawyers have changed to medical malpractice. Union-side lawyers talk about changing to management. One of them, an old friend, told me recently: "I just can't sustain it anymore. All these areas of law I've been involved in have been cut to shit." He grew wistful. "You know, I've good friends in management firms. They've come over to our side on some things. Maybe I can do more good there. Or stop them from doing really bad things."

His problem is money. As he points out, "Even if you win, you've got these terrible battles over fees." The Reaganites do not have to change the substantive law. They just have to starve the lawyers who practice it. They have done so in obscure decisions that make little public fuss. Recently, for example, the Burger Court held that under fee-award statutes, even lawyers who win smashing victories should receive partial fees limited to the time spent by them on the "winning" issue. Now, if you do win, after many years, against long odds, courts can cut your income by half or more, income that had just barely kept you alive. By the end of 1988, Reagan will have appointed more than 400 of the 744 judges on the district and appellate courts and the U.S. Supreme Court. Nixon-Ford appointees will account for much of the rest.

Chicago falls in the Seventh Circuit, an appellate court so right-wing, as one lawyer says, "they even scare Rehnquist." The Seventh Circuit is a glimpse of the Reaganite utopia, a joint reign of terror by the old right and the Friedmanites. By comparison, the Nixon-Ford judges were not so bad. Some were big-firm senior partners, legal Lee Iacoccas ready to make a deal. They did not like us activist lawyers, but it was good business to keep us around. We filed the suits, and everybody made money.

Under Reagan, there are more incorruptibles. They are more academic, more ideological, and readier to stay on the bench, iron-butted, and give up big corporate-law incomes. And they are young. Recently I saw one of these new Reaganites: laissez-faire, University of Chicago, an academic who had never tried a case. Then I realized, with a shock, he not only was my own age, 37, but he had longer hair than I did, even a beard.

O.K., MAYBE SOME of us are jealous. Maybe, instead of money, we wanted power: the dark side of our Warren Court idealism. As a Harvard professor recently said, "History has been sobering. Some of our classmates will be appointed to the Supreme Court, but not the ones we expected." For him history has been sobering, for me it has been annoying.

In my practice, a right-wing bench is a nightmare, because there is no right to a jury in most pension, civil rights, and labor cases. Juries would make it too easy. So the crucial moment is the first in the case, when the clerk randomly assigns you a right-wing judge. Before then, you had told the client, "I can live with anybody but Judge X." Then you draw Judge X, second damn time this year.

You call up your client, who should be in a Frank Capra movie. He says, in disbelief, "You mean, that's it? It's all over when the judge is assigned?" You hedge a little, but he is stunned. This judge does not even know the case. Is he "bought"? As an officer of the court, you must defend its integrity. What answer will best do so?

The hardest thing to take about the judicial right is its hypocrisy. They prate about "neutral principles," but make up a principle, on the spot, to get any result they want. They did not like union workers suing their employers in federal court, so one day, out of the blue, they changed the statute of limitations from five years or more to six months. (Usually destitute and out of a job, few workers can file a major suit in that time.) Then they applied their new rule retroactively to dismiss hundreds of pending cases.

They attack liberal judges for invoking "public policy." Then *they* invoke Milton Friedman, and toss out centuries of law. I used to build our cases on traditional contract-law or trust-law doctrines. I thought that principled conservative arguments might shame them into doing the right thing. They brushed that all aside, citing, uh . . . "public policy."

Some areas of practice have ceased to exist. I really do not know a lawyer in Chicago who will take an individual Title VII case, based on race. The employer always wins. Although the law may be technically otherwise, the employer simply has to articulate a nonracial reason, almost any reason, however spurious, for firing, demoting, or not hiring a black.

There are a few straight-out liberals left on the bench, but they always want you to settle. They use tricky, compromise rulings to head off appeals, because they know, and you know, it is all over if the other side goes up on

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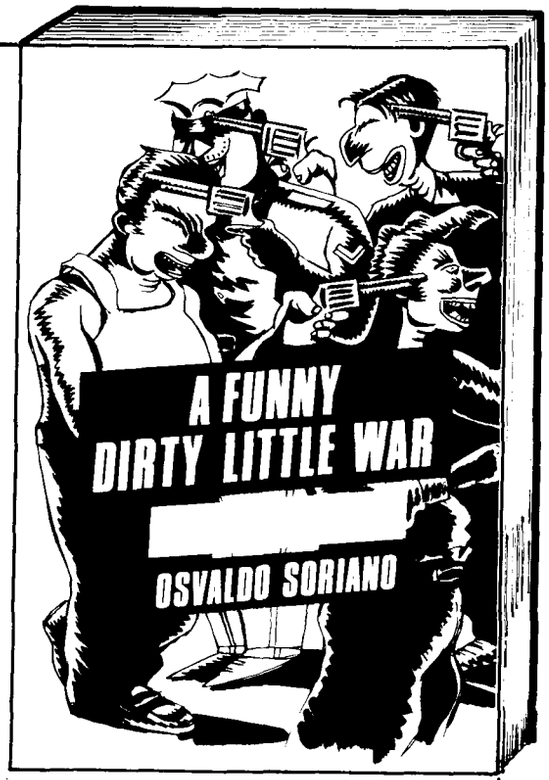

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appeal. You try to tell the client, "The worst thing we can do is win."

V

UNPROTECTED BY THE courts, you are easy meat for the big firms. They slowly eat you alive with NEXIS, the ten associates, paralegals, night-shift secretaries, and the whole SAC-command infrastructure. They could drown you with paper every week. When they file a motion, say, to dismiss your case, it is fiendishly timed to ruin your weekend—two feet of reading, dumped off at your office 5 p.m. Thursday, set for hearing 9 a.m. Monday.

They can launch pretrial discovery to every continent, and in an instant turn their warheads on you. In one recent case, a big firm deposed our few clients for over 80 hours: 80 hours of my life in the "conference room," a windowless prison, jabbing paper clips in my palms to keep awake, trying to keep sane. Each deposition takes about eight hours, the first seven to circle around your client, the last to pounce on him—when exhausted, the poor bastard will say anything. Read *Darkness at Noon*, which describes a Stalinist interrogation. That is what we call a "good dep." As the deponent's lawyer, you sit there, with no fancy objections, no Darrow-type heroics, just observing for human rights violations. You go home when the court reporter, exhausted, begins to cry.

For me, the worst part of a big-firm lawsuit is when they call and say, "Messenger it over, will you?" Yeah. Once in a while, I can trick them to send *their* messenger over. Otherwise, I "messenger" it myself. Then the receptionist, sure you are no lawyer, will not let you use their fancy bathroom. You might steal the firm cologne.

If things are so tough, why not get out? Go into corporate law, a nice "liberal" firm with decaffeinated coffee. Straight out of law school, it was fine to strike the moral pose, fight the good fight. But now you are 37. Friends begin to treat you like a child playing Peter Pan. They give you a flinty look and ask, "What are you billing these clients on an hourly basis?" One of them, an ex-radical now in a big firm, says, "Come on, give pigdom a chance."

Ten years ago, after law school, when I joined the Mine Workers' legal department, a teacher warned me, "More noble work? Is that good for you? You have to learn the world's not all black and white." Yet somehow you learn, even in the good fight, it is not all black and white. "I feel sorry for you," an opposing lawyer once said to me, "you have to believe your clients." Yes, your client may be the just man, the innocent man, the cedar of Lebanon. But damned if he doesn't change his story ever so slightly just before trial, or remember some new fact you never heard before.

At the start of every case, you are pumped up with noble outrage. You fight some heartrending injustice, some crime against widows and orphans. Then your facts start to fall apart. Then your theories start to fall apart. Worst of all, you begin thinking, maybe this housing agency, or this pension fund, was doing the best it could. The other side says, "Look at the real world, look at the constraints, look at what your clients do not see." They appeal to your education, your profession, your common allegiance to the cult of complexity. To your arguments, they have counter-arguments, some of them devastating. Your clients only say, "Oh."

Somehow, you have to hang on to your original sense of outrage. You sublimate it into some new technical argument. They blast away your old theories, but the new one holds. Recently our firm bailed out a group of pensioners on an obscure little point of law. The IRS even filed an amicus brief in our behalf. I could tell the appellate court, "O judges, social justice and Reagan are on our side."

In ordinary lives, there are not many causes. But lawyers get causes all the time: trivial, evil, purely commercial causes maybe, but causes. And the causes radicalize you, no matter whose side you are on. By some mysterious, self-protective instinct, as the complexities sink in, you become perversely more fervent in court. You can take a holiday from being a responsible citizen. Indeed, lawyers can do things that their sober, bourgeois selves would never dream of doing on their own, in their own name.

This is just what gave judicial activism a bad name. By what right do you step out of your sober, bourgeois place and push to the hilt for any single cause? By what right do you pick the cause, and not defer to the outcome of the political process or the decision of some legitimate authority? Maybe you are just behind the times. The Reagan era has discredited your kind of Warren Court existential heroism. Not only the far right, but neoconservatives, neoliberals, and neopopulists have cast doubt on your whole enterprise.

In John Hart Ely's book *Democracy and Distrust*, he says that courts should not intervene except to correct some major dysfunction of the democratic process. I agree. Sometimes, in a brief, I cite Ely's book. Yet in real life, I throw Ely out the window for the right case. Clean up a union, reform an asylum, second-guess a pension fund, target housing aid to the poor . . . or follow Ely's theory? It is so clear in books, but so hard, with the client out in your lobby, to do the right thing.

SO YOU BECOME an enemy of the people, in Ibsen's sense, not a bad job in the Reagan era. Anyway, you can get away with it. You can even seek social change in the courts, and because you are a lawyer, the world still respects you and your parents are still proud of you. And what better time to be a Warren Court lawyer? The republic is hardly in danger from judicial activism. So you crusade away, confident you will not wreak any excessive social change. Indeed, anything you achieve must be desperately overdue.

Finally, you do not really pick these causes. They walk in on their own, screaming for justice: beaten up at union halls, thrown out of their jobs, cheated of their pensions. Some saints, some paranoids, some who just fell off their medication. A friend of mine, a public-interest lawyer, says, "Give me straw-man plaintiffs. Real clients are such a pain." Yet that is how justice comes in the world, not

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through you the lawyer but through crazy people, dybbuks, who briefly take possession of you.

VI

MANY OF US DREAM that one day some big windfall fee award will set us up for life. Now it is a pure fantasy. Federal courts, in class actions, no longer permit such windfall fees. If you win the case of the century, you will be lucky to get your hourly rate, and most courts will whittle that down to a fraction of the usual corporate-law rate. Still, we dream of winning that big fee, then smugly telling our friends, "See, we're in this for the money too."

Recently the *New York Times* ran a story about Harvard law professors urging students to seek "alternatives" to corporate practice. Alan Dershowitz said that you could do good and still make about $75,000 a year. "Once you have the need to get into six figures, you have to make some very substantial compromises." On $75,000 a year, I would have scruples too. And a condo in Florida. Dershowitz gets his $75,000 a year, I read, by defending Claus von Bülow, *Vanity Fair*'s man of the year.

Except in a public-interest firm, with a guaranteed salary, it is insane to do good. Insane. It is not a cut in income you face, but the nightmare of coming up with no income at all. Just one or two big federal cases, on a contingency basis, can sink your little boat. The professors would be credible, much more credible, if they told the students the truth: pass up the big firms at your own risk. Noble causes can bankrupt you. Only the very rich belong in federal court. I have been awfully lucky, as my friends know, in the lawyer who hired me seven years ago and in the cases we have taken since. I do not have to think about the wrecked solo practices of all those Title VII lawyers. I need only recall my own life in 1977.

That year, for the noblest work I ever did, I made $8,000. I was in South Chicago, representing a slate of dissident candidates for the top offices in the Steelworkers' Union. By winning, we thought, back in that George Meany era, we would push the whole AFL-CIO to the left, something Reagan later did without us. I was 27 years old and quite happy to move six times in a year and spend February behind a furnace in someone's basement. Even the National Lawyers Guild thought I was nuts, and I was not even a radical. In New York one day, a Guild lawyer saw me on the street, lean and ragged. She bought me lunch at the Algonquin, and talked to me for two hours about workers' rights, while I glutted myself with lady-lunch food.

Last month I ended up describing alternatives to corporate law to students at the University of Chicago. No one asked me any questions. Two other panel members, one an assistant U.S. attorney and the other from the ACLU, got slightly more response. Miffed, I thought, well, they don't need you in the U.S. Attorney's Office, or even in the ACLU. They have Supreme Court clerks lined up to take those jobs. In the tiny public-interest sector of the legal culture, you are as "fungible" as you are in the big firms.

It is so trite to say, but it angers me: we live in an over-lawyered society, but only the rich have lawyers. The other 95 percent, all the rest, are locked out of the courts. I wondered about these students. Worried about the lawyer glut? In my field, there is little competition. In fact, my fellow lawyers and I always dump on each other our hapless would-be clients, not welfare mothers or ne'er-do-wells, but solid working people with serious problems. Every day I get calls from people I cannot help, referred from lawyers I have not met. Most of the time I tell them they do not have a case, because of some technical legal quirk, and they could not afford to bring such a case anyway, even if I took it on a mainly contingency basis. So they hang up the phone, and who knows what they do.

The Friedmanites say that if it is a good enough case, someone will take it. But with the Reagan bench, even a "good enough" case becomes a long shot. Or maybe I mean a case "good enough" for my sense of justice. Whatever that sense is, it can addle your sense of investment opportunities. You start playing long shots, almost for the hell of it, and it is your duty, you tell yourself, to do that. What more is there to say? In the legal marketplace, you are an inefficient firm. You should not be a lawyer.

An older lawyer once told me: "If your first aim is to make money, you should not be in law, period." But that is a minority view. Even my hero, Mario Cuomo, would disagree. Recently he said, "I have a son who I am sure is going to get rich . . . and I've told him to go to the law practice. He wants public life. . . . But first, I told him, go and make money so they can't commandeer you." To Cuomo, no elected official should act for financial gain. But a lawyer, an officer of the court? Only an idiot would not do it to get rich. You think of St. Ivo, the patron saint of lawyers, of whom the chroniclers say, "A lawyer and not a thief. A wonder to the people."

IT IS ODD to me that people will treat you like a St. Ivo, even now, or like Judge Parker in the comics, who drops his sage advice through a plume of pipe smoke. Even grizzled old men, like some of my clients, who first dismiss you as a kid, come to seek your advice on everything, simply because you once answered one question right. In South Chicago, in the black neighborhoods, some older people still address you by a title, "Attorney G————," as if you were the only one in town. Maybe it's a hangover from the rural South. You hold an office, the local wise man, like all those alcoholic lawyers in the Faulkner novels.

In 1981 an old truck driver came and asked our firm's help for some 200 retirees. A Teamster pension fund had cut their benefits by nearly two-thirds. The case was hopeless, but he wore us out, so we took it. For the next four years we lost, lost, lost, and lost, and then, home run, bottom of the ninth, we won. Everything. Suddenly, after all that losing, the case was over, and the men will now recover millions of dollars. For our client, the shock has still not worn off. He keeps calling me up, and says in his thick mountain drawl, "Well, now, the men are very well pleased." Then, tickled to death, he starts to laugh. And laughs and laughs. And in the great tradition of our profession, one that I find irresistible, I start laughing too. □

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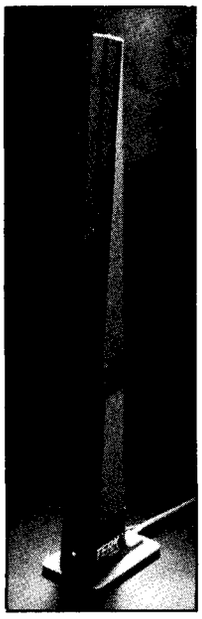

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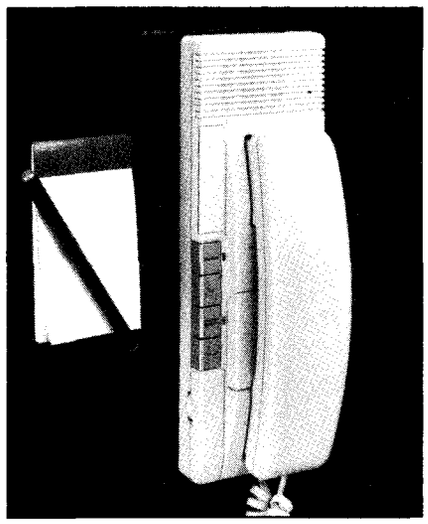
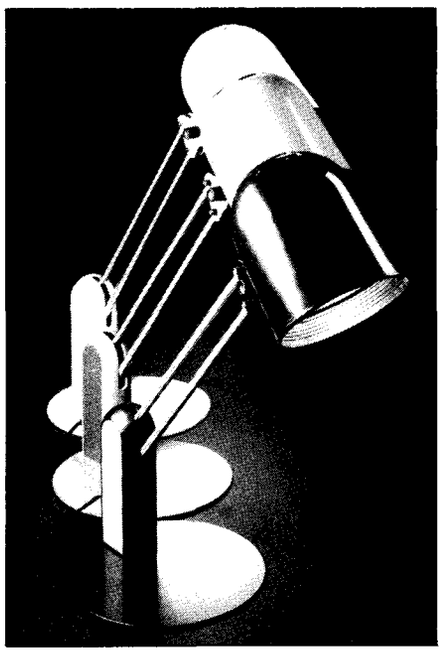


TOUCH COMMAND DESK LIGHT



A built-in microprocessor replaces the traditional switch, so all you have to do is touch the base or metal arm to turn the lamp on and off through its three intensity levels. The 8" disc metal base provides a clean counterweight to the double swing arm with lighthead that swivels 360°, adjusts through 90° arc. Comes with high-intensity 60W bulb. This contemporary swing-arm lamp is perfect for home or office, telephone table or desk, workbench or kitchen — never a switch to fumble for, no unattainable angles. The Touch Command Desk Lamp is available in a choice of colors — White, #A1574WH; Blue, #A1575BL; or Black, #A1576BK — for just **$49.00** ($5.95). UL-listed. It's just the touch to bring high-tech performance to your lighting needs.

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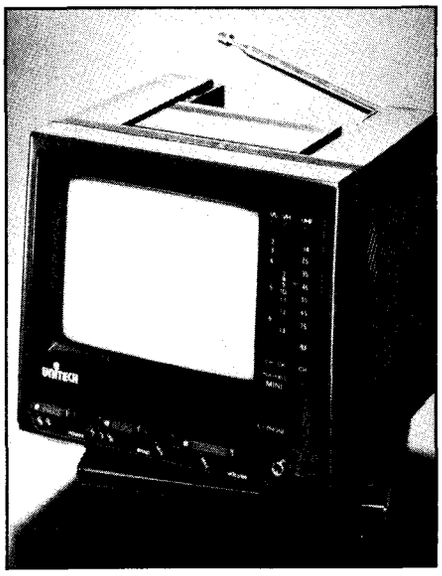

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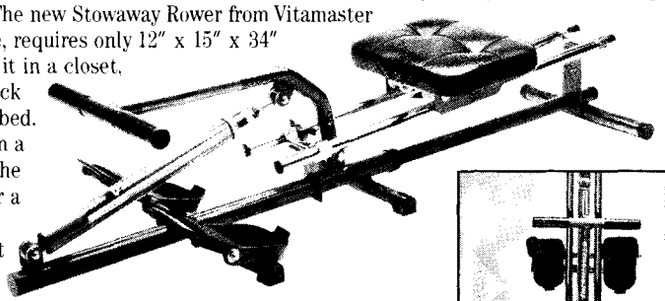

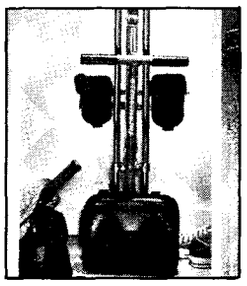

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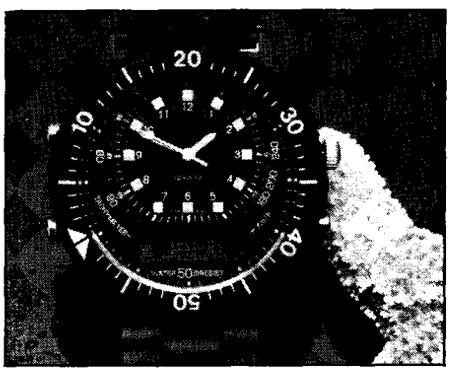

The first thing to amaze you about this custom chronograph is its array of useful features. But the real surprise is the whistlestop price: under $50. The Diver's Watch is rated waterproof to 5 atmospheres (over 150'). The movable bezel, case and band are all "black chrome" plated in a rugged matte finish. Two sunken faces provide fully independent digital and analog timekeeping, so you can set one face to home time and one to travel time. Date, day and month display; alarm; 1/100 second chronograph with lap timer; choice of hourly chime, 12 or 24-hour format. Precision Japanese movement. 1-yr. warranty. **$39.00** ($4.95) #A1490.

AVIATORS UPDATE

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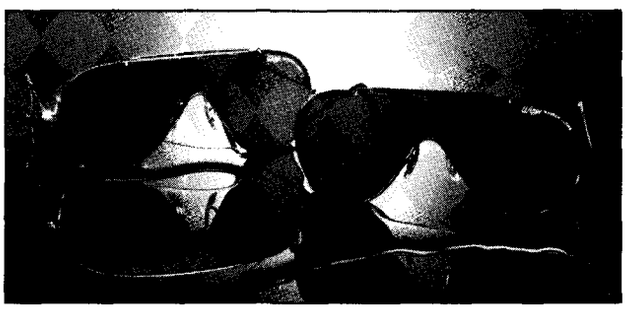
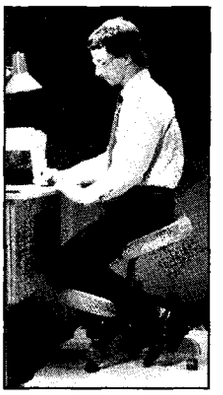


IT SWIVELS!



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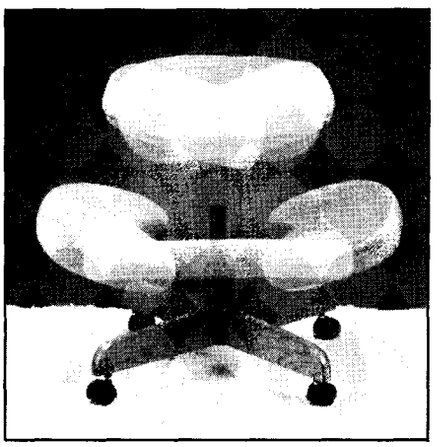

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STANLEY KAUFFMANN ON FILMS

Spring Roundup

Hard Choices. An independent production, exceptionally competent. "Independent" these days implies low budget (in this case $500,000) and, because of current financing problems, the term is virtually a plea for our indulgence. But *Hard Choices* is so good that it almost—not quite—escapes a pat on the head.

Rick King, who made one previous feature called *Off the Wall*, directed his own script, based on a story by himself and the producer, Robert Mickelson. The opening half hour or so creates a tension: between the high quality of execution and the triteness of the story. Three rural Tennessee brothers, ranging in age from mid-20s to 15, live with their slightly loopy mother. The family is generally broke; the two older boys drink and do drugs. One night those two need drugs badly and are badly broke. They break into a drugstore, leaving their kid brother outside as lookout. The oldest one insists on taking his shotgun along, so we know what's going to happen.

Hard Choices
(Lorimar)

Wise Guys
(MGM/UA)

Water
(Atlantic)

Jo Jo Dancer, Your Life Is Calling
(Columbia)

After the oldest kills a policeman, the script shifts unpredictably, interestingly. The two older brothers go to an adult prison and disappear from the film: the focus fixes on Bobby, the 15-year-old. He is held in jail awaiting decision on whether he is to be tried as an adult or a juvenile. In jail he is visited by a social worker, an attractive young woman who turns out to be far from conventional. The last half of the film develops into a flight—from jail and reality—engineered by the young woman.

If this flight had been rooted more deeply in the pair, especially the young woman, if it had glowed with more heat and desperation, internal and social, *Hard Choices* would have achieved something more than competence. Nonetheless the second half is believable for the same reasons as the trite opening section. Line by line, the dialogue rings right; the directing and the editing (by Dan Lowenthal) are fluent, with no smudge of "independent" clumsiness; and the actors are all true. Gary McCleery as Bobby and Margaret Klenck as the social worker are simple and persuasive; John Seitz, as the amiable sheriff, underplays from strength; and John Sayles, as the young woman's friend who helps her flee with the boy, is better than he has been in his own pictures (which he has never directed as deftly as King does here).

At the very last, however, we're left congratulating all involved on doing as well as they did in difficult circumstances. If the film had reached more deeply into the characters, if it had thematic point instead of a train of circumstances, we wouldn't end up admiring the filmmakers more than the film.

Wise Guys. Brian De Palma's career, if that term applies to assorted grabs at cleverness, hits a new low. He began (apropos of budgets) as a director of inexpensive amusing comedies. Then he ascended into scare pictures (e.g., *Sisters*, *Carrie*), which I thought deplorable, then into Hitchcock imitation (*Dressed to Kill*, *Blow Out*, *Body Double*), differently deplorable, with a remake of *Scarface* thrown in to make the term "deplorable" too slight. Now he has gone back to comedy. I never thought I'd see a De Palma film that would make me long for his pseudo-Hitchcock style, but this is it. *Wise Guys* is a Mafia comedy with all the zest of lasagna left out in the rain.

Danny De Vito and Joe Piscopo are Italian and Jewish friends who are minor members of a Newark mob. (Why that mob would have a Jewish member is never explained, but it never matters.) De Vito talks Piscopo into changing a horse bet that the boss has ordered them to place; their choice loses, and the pair have to flee—all the way to Atlantic City. Every gag or complication has the familiarity that long ago bred contempt. Every actor is either disgraceful or, in the case of those who have sometimes been good, like Harvey Keitel, disgraced. The much-touted De Palma style is conspicuous by an absence one can only hope will extend to the director himself. If someone has done you an injury and you want revenge, recommend *Wise Guys*.

Water. Unlike *Wise Guys*, this farce wasn't doomed from the start. The script by Dick Clement, Ian La Frenais, and Bill Persky had farce possibilities. Clement and La Frenais are experienced British farceurs and, with Persky's story as a start, worked out some potentially funny tangles. Also, Michael Caine is present—although his record shows that his presence is more reliable than his taste in choosing scripts.

FILMS WORTH SEEING

My Beautiful Laundrette. Discursive but humane, funny, moving comedy-drama about Pakistanis in London today. Well written, acted, and directed. (Reviewed 4/7/86)

Shoah. Now available in more cities. Claude Lanzmann's documentary about the Final Solution—almost ten hours, shown in two parts—supplies the presence no text could give us: testimony of survivors and participants. (10/28/85)

Smooth Talk. After an hour of platitudinous stuff about a 15-year-old girl's bickerings and gigglings, we get a frighteningly true half hour about what happens when reality arrives too early in adolescent fantasy. (4/28/86)

Turtle Diary. An exquisitely played game, in which the players are also the pieces. Two Londoners return large turtles from an aquarium to the sea. Script by Harold Pinter, acting by Glenda Jackson, Ben Kingsley, Michael Gambon. Caviar. (3/10/86)

SK

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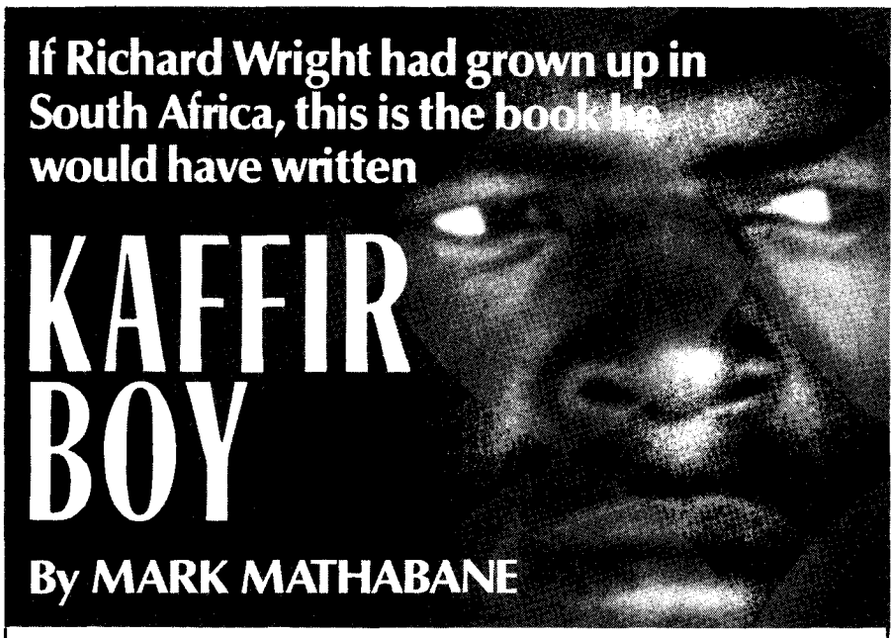
This time Caine suffers less from the script than from Clement's directing. Caine plays the boozy, contentedly cuckolded governor of a tiny British island in the Caribbean. (It's called Cascara, which was not quite a bad enough joke to put me off.) He has on his hands a firebrand Hispanic wife, a pair of bumbling revolutionaries, and severe economic problems. Americans think they will find oil on the island. French mercenaries intervene. Mrs. Thatcher sends a feeble envoy. The oil strike turns out to be Perrier.

Caine plays his own role, in his own picture, and does all right. Brenda Vaccaro plays the wife up to, and well past, the hilt. Valerie Perrine, as an American ecologist, doesn't quite reach the hilt. The others are beneath dispraise. Worst of all is Clement's sense of timing, which runs a good ten seconds behind the point of every exchange and 20 seconds behind the need to cut and proceed. A better director, with a better supporting cast, might have done a film something like the Ealing comedies of the 1950s.

Jo Jo Dancer, Your Life Is Calling. Richard Pryor's prior films—most of them—were electrified by genuine acting ability (*Some Kind of Hero*) or blistering comedy (his one-man shows). His last film before this, *Brewster's Millions*, was disastrous: a 1906 farce could not really be adapted to Pryor's persona. Now he has made a mirror-image mistake: he has taken his persona—and his life—as the subject of a film that is hokily old-fashioned. He denies that this picture, which he co-wrote and directed, is autobiographical, but not many are going to mistake it for the life of Milton Berle.

It begins today with a successful black comedian doing drug stuff and suffering severe burns. From the hospital bed, where he lies swathed in bandages, his true self steps forth and goes in search of his past. If you are still reading this review, that self goes back to the Ohio town where he was a boy living in the brothel where his mother and grandmother worked. We then follow the youth as he tries to break into show biz; breaks in; and eventually makes good. We don't see why: the act that puts him over is embarrassingly bad, and the guffaws of the nightclub audience watching it only increase our embarrassment. These adventures, plus more, are interwoven with returns of the true self to the hospital bed and the in-



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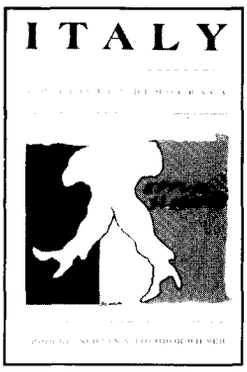

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jured man's ultimate recovery of the will to live.

All of this tripe is bloated by Pryor's pompous direction and by the fact that Pryor is hopeless as a "straight" actor. He certainly can act (see the POW scenes in *Hero*), but he needs a cutting edge, something other than head-on appeal to our emotions. When he simply has to hug his grandmother or tell a girl he loves her, he is phony.

In any case, a memorial by Pryor to his personal struggles seems a few decades premature.

EDWARD ROTHSTEIN ON MUSIC

The Response of 'Répons'

Pierre Boulez's "Répons" was six years in the making; it has gone through three different performing versions and requires the most sophisticated computer system ever devised for its performance. It also calls for special lighting and sound systems, tape recorders and amplifiers, and a space the size of a playing field. It has all the ambitions of a great masterpiece, and that is what it was often called when it received its New York premiere last month in the Columbia University gymnasium. Gathered at its presentation were all the important composers within commuting distance of 116th Street, the music critics of major magazines and newspapers, the wealthy donors, the contemporary music groupies, the aging avant-gardists, the serious academics, the slightly bemused French visitors.

It was the first event in a two-week-long festival presented by the New York Philharmonic, of which Boulez had been music director for six seasons. It was also Boulez's first appearance in New York since he left the Philharmonic, and the climax of a United States tour. The ads and banners boldly proclaimed "Boulez Is Back!"—the exclamation point a reminder of how necessary some sort of revivification really is in Philharmonic quarters, where most concerts can barely elicit a critic's attendance, let alone praise. The proclamation and festive atmosphere also served as a contrasting reminder of more extravagant celebrations that made the rounds a decade ago—"Boulez Is Gone!"—when the New York listening public, entranced neither by his crisp performing style nor by his intellectual taste in 20th-century music, gladly sent the once avant-garde composer back to Paris.

There, at the Georges Pompidou Center, Boulez had been asked by its chief governmental patron—and namesake—to direct a remarkable institution, IRCAM, an acronym that stands for Institut de Recherche et de la Coordination Acoustique/Musique. Such an institution could have come into existence only in the twilight of Western musical culture, as a grand, expensive attempt to reinvent musical life. In the IRCAM program book presented at the "Répons" concert, Paul Griffiths invoked the history of 20th-century music, and its rejection of the past, to illuminate IRCAM's own project. Varèse is quoted: "I refuse to submit myself to sounds that have already been heard." And Busoni: "Exhaustion surely waits at the end of a course of which the longest lap has already been covered. Whither then shall we turn our eyes? In what direction does the next step lead? To abstract sound, to unhampered technique, to unlimited tonal material." Finally, Boulez himself, announcing IRCAM in 1974: "We can no longer elude the essential trial: that of becoming an absolute part of the present, of forsaking all memory to forge a perception without precedent, of renouncing the past to discover yet-undreamed-of territories."

IRCAM was to explore acoustics, psychoacoustics, computer music, electronic music, new means of structuring music—to boldly go (if we follow Boulez's rhetoric) where no man had gone before. This was a disciplined, highly organized avant-garde effort. The worn clichés of iconoclasm were covering a serious attempt to find some form of language and medium that could again make music a vital art, when both the tonal tradition and the serial tradition seemed to have been spent. IRCAM also became one of the most extravagantly unusual cultural enterprises in contemporary music, conceived not by artists but by a government. Since contemporary music had trouble finding a large contemporary public, public funds would be used to create new music. IRCAM receives about four million dollars a year from the French government. Thus it is probably the most heavily funded attempt to create new music in history. Not even Wagner and King Ludwig had such a comfortable working relationship.

"Répons," then, is not just a new composition by a man who had given the 20th-century repertory at least two brilliant works—"Pli Selon Pli" and "Le Marteau sans Maître." It is bound up with IRCAM itself; it is, the program notes proclaimed, "Boulez's response to the task he had implicitly set himself as soon as he accepted the directorship of the future IRCAM: sooner or later he would have to compose an electronic masterpiece." But the failure of "Répons" is on such a great scale that the only puzzle is why so many have hailed its success, calling it the enthralling, ground-breaking work of a master. The work is more than just a lapse in taste, or a sign of ambition thwarted. It is a sign of something quite disturbing either about Boulez's project itself or about the relationship it bears to the rest of our moribund musical culture.

I EXPECTED something different. I have admired much of Boulez's music, and I have been listening to recordings by the Ensemble InterContemporain—Boulez's performance group at IRCAM, which accompanied him on the U.S. tour—with great interest. The group is, under Boulez's direction, producing sterling interpretations of the Schönberg corpus. It is one of a series of recently formed groups devoted to 20th-century music, for whom the rhetoric and style form a native tongue.

I visited IRCAM in 1981 and was fascinated by the kinds of questions being asked there. At the time, work was proceeding on developing the system now in use, a "gestural control device." Previously, sophisticated synthesizers could not be played in "real time"—one could not play a series of notes and chords in different timbres and hear instantaneously what they sounded like. Instead, instructions would be fed in, and only then would the sound be heard. This made composition, and computer-aided performance, labored and limited. But thanks to IRCAM's important work, the computer was able to reproduce gestures—long phrases—rather than simply programmed musical in-

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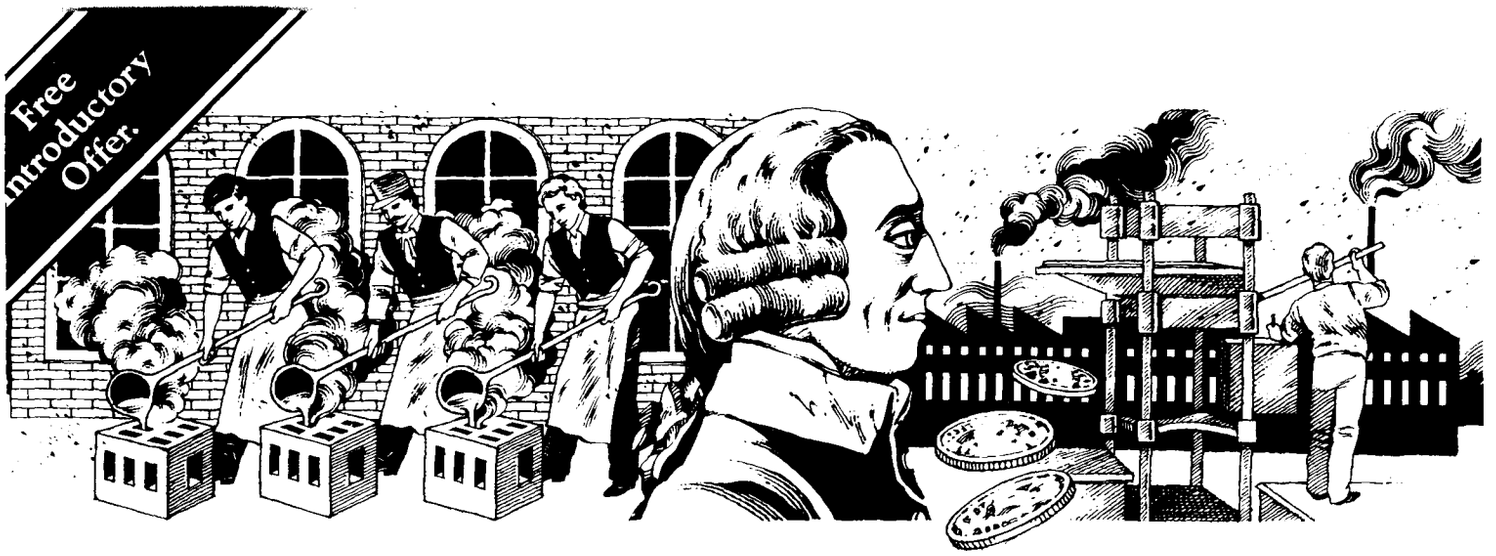

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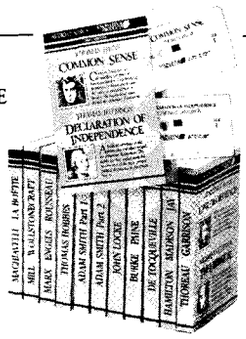

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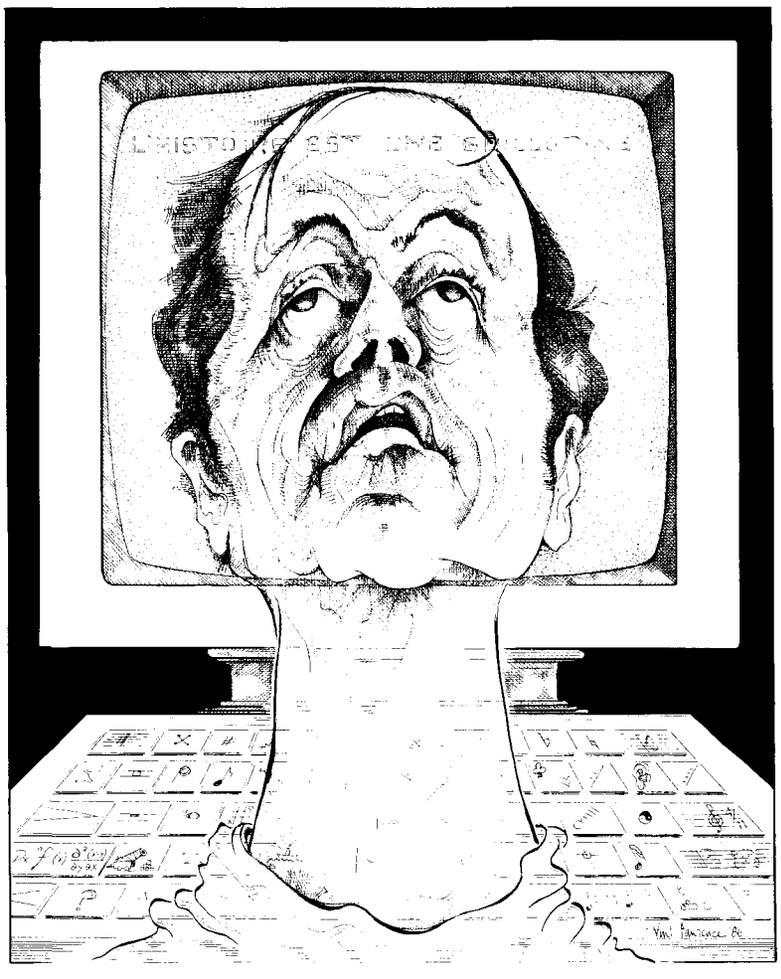
gredients. IRCAM was making the computer more intrinsically musical.

But I felt a certain uneasiness when descending the outdoor stairs in the industrial-chic square of the Pompidou Center. IRCAM's lobby is a skylit hall below ground, its walls covered with the shadows of gridded windows. Beyond that narrow corridor with its indoor plants and trees, all natural light and sound are left behind. There are no more windows, only carefully constructed rooms, sonically isolated, where traditional musical instruments lie alongside electronic equipment, cathode-ray tubes, synthesizers, and printers. There are seven studios, an anechoic chamber, a computer room, seven laboratories, 32 offices, a library, a mechanical workshop, a conference room—all for the creation not just of new music, but of new means of producing new music. The isolation is so fundamental to the institution that the social origins and functions of the art seemed far away indeed.

Boulez originally created four departments, each under a strong director—Luciano Berio heading the electro-acoustic department, Jean-Claude Risset the computer department, Vinko Globokar the instruments and voice department, and Gerald Bennett an interdepartmental department called "Diagonal." By 1980 all directors had left with varying degrees of dismay and disagreement. Following a reorganization, the goals of IRCAM became more specialized and Boulez's control more absolute. The research in computer-aided composition became primary, the other concerns dissolved. IRCAM has since become a mecca for young composers eager to study Giuseppe di Giugno's 4X digital sound processor and to use the sophisticated compositional software with such names as CHANT and FORMES. The largest room in the complex is the one that presents the results of the research, an experimental concert hall called the Espace de Projection. Its walls are composed of 531 acoustic panels, controlled electrically in groups of three, three mobile catwalks, two metal curtains, and three movable ceiling panels weighing 24 tons each. The space is acoustically pliant: it can reproduce the reverberation time of the largest cathedral and the smallest recording studio.

This is not, it seems to me, the sort of atmosphere that could have nurtured Boulez's earlier masterpieces based on poems by Mallarmé ("Pli Selon Pli") and René Char ("Le Marteau sans Maître"). Those are intricate, painterly, introspective, delirious works. With their sweet, pointed sonorities, their sudden expressionist outbursts, and their settings of oneiric poetry, they recall, at times, "Pierrot Lunaire." But they discard all Schönbergian nostalgia. In its place are aggressive dissections of sound and light, sonority and shadow—seeming both physical and metaphysical. At the festival last month, Phyllis Bryn-Julson sang in three of the Mallarmé movements of "Pli," and it was as if a seduction had been accomplished with the coolness of a chess game. Without ever understanding its logic, I was pulled through a sharply defined space, continually surprised by its dimensions. Like Mallarmé's poems, the music's sensuousness had an edge, its juxtapositions were at once perplexing and pungent.



PIERRE BOULEZ BY VINT LAWRENCE FOR THE NEW REPUBLIC

But in "Répons" that world was nowhere to be seen. It was as if one were faced instead with the corridors of IRCAM, marked with grids and innovations and determination. It wasn't that "Répons" was intellectual, dry, academic. It was just the opposite—even slightly primitive. It gave the impression not of complexity but of compromise, condescension. It had no vision, or air, or light. It was a product of meta-musical thinking. It was more obvious than Boulez's older works even if more intricate technologically. Its motifs and gestures were simple and repeated, with each transformation seeming to be a response to the one that preceded it. There was something almost pedantic and self-consciously plodding about the way the work unfolded.

This was true even of its overblown theatricality. A chamber orchestra plays in the center of the hall, while at the sides are six instrumentalists, each with two instruments: a pianist with a celesta, another pianist with an electric organ, a harpist with two harps differently tuned, and performers on the cymbalon, vibraphone, and xylophone, each with percussion. Each soloist also has a tape recorder that plays through amplifying circuits into the sound system along with computer modifications of each sound. The 4X machine and something known as a "halaphone" alter timbres of sounds, store "events," and change their pitch. Lighting modifications accompany the music. For the first few moments of the 45-minute-long

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piece there is the promise of something grand and exhilarating, as if Mallarmé has been turned into opera. But the waves of excitation soon become ripples. An arpeggiated figure is repeated, again and again, with different timbres, envelopes, timings. There are echoes of jazz and of Indonesian gamelan music. And the result is a seemingly new banal style: Minimalist Boulez. In the underground acoustically controlled rooms of his institute, Boulez had decided to write a piece that would be vital, alive, epic, and public. The result proves only how much he wanted to write such a piece.

WHAT IS intriguing is how different this work's ambitions are from the ones that fueled Boulez's early work. "Répons" is an attempt to demonstrate that the future of music is assured, that with this new technology new possibilities will be revealed. The work does this not through iconoclasm but through a calculated conservatism, a conservatism that seeks to play by the old rules of the avant-garde. This is the major work produced at IRCAM so far, and it seems to have inherited its ambitions to forge "a perception without precedent" and to "[renounce] the past to discover yet-undreamed-of territories." But its method of renouncing the past is to first find its avant-garde traditions authoritative. The work proclaims itself a pioneer, but it thoroughly identifies itself with the serial styles of the 1950s, the theater works of the 1960s, and the minimal styles of the 1970s. This restlessness is not itself a style but the sign of a historical anxiety.

That anxiety actually succeeded in fueling Boulez's early works. "SCHÖNBERG IS DEAD," Boulez proclaimed in an essay in 1952, implying that he was to take his place. This avant-garde naughtiness reached its climax, appropriately, in 1968, when Boulez told Joan Peyser: "It is not enough to draw a mustache on the Mona Lisa because that does not kill the Mona Lisa. All the art of the past must be destroyed." In his work this pose fed the severe originality of his style, its isolated pride, and also its genius. But in "Répons" this ambitious avant-gardism has become a mannerism much as it has in surrounding postmodern culture.

"Répons" really does bear all the marks of a "response"—a work generated not by its own requirements but by invented ones placed upon it; a work that, like IRCAM itself, is a calculated attempt to artificially create a vital tradition. In a talk at Symphony Space in New York, Boulez said: "There is always a deep connection between what you want to express and the materials you use to express it." What Boulez actually wanted to express, it seems, was no more than the *use* of the materials of expression. "Répons" presents a new kind of musical solipsism, magnified perhaps by the tens of millions of dollars invested in creating a "perception without precedent" below the cement in the middle of Paris.

This failure is not one to be celebrated. Boulez is one of the most important figures on the musical scene today. But he is not immune to the malaise of the age—an age when funding from public sources is dispensed with the idea that art is primarily for the public good, when audiences are either irrelevant to the work or crudely treated as consumers. History, Boulez has written, is like a guillotine. I wrote years ago that he was listening for the whistling of history's blade. He is not alone.

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photo courtesy of Billy Howard

THINKING BACK

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FATHER, SON, SOLDIER, SPY

A Perfect Spy
by John le Carré

(Knopf, 475 pp., $18.95)

Despite its encouraging title, *A Perfect Spy* is not exactly what most of John le Carré's fans have been waiting for. The "Secret World" of espionage does play a large part in it, drawn in greater detail than ever before; the title is no fraud. But a darker part of the author's mind, one more evident in *A Small Town in Germany*, *The Little Drummer Girl*, and (making due allowances) *The Naive and Sentimental Lover* than in the George Smiley "Circus" novels, here exercises itself with renewed insistence, and thriller readers will have to adjust their expectations a bit. Deprived of the usual formula, some will no doubt squall and try to spit this new stuff out, but that is not le Carré's concern, nor is it mine.

The protagonist of *A Perfect Spy* is certainly a spy. Magnus Pym learned snooping, imposture, and lying during his childhood in the 1930s, by trying to penetrate and understand the complex business and personal secrets of his father, Rick, an egregious confidence man and swindler, while concealing such secrets from the "respectable" world in which children after all hope to live. At 17, when stranded in postwar Switzerland by the collapse of one of his father's schemes, Pym subsists by selling bits of information about the refugee demimonde to British intelligence. Studying at Oxford during one of Rick's periods of temporary liquidity, he spies on left-wing student groups for The Firm. While in military intelligence during his National Service in Austria, he establishes a productive network of agents on the other side of the Iron Curtain. When he's demobbed, the secret services recruit him for full-time spying under commercial and then diplomatic cover, and his brilliant successes eventually take him to major posts in Washington and (as the novel opens) in Vienna.

But Pym is a double agent—technically so since his army days, when a Czech "defector in place" induced him to exchange information for their mutual benefit, effectively so ever since he first learned both to love his scandalous father and to know him for the terrible fraud he was. To know secrets, for Pym, is to be bound happily to those whose secrets they are. He serves (and betrays) first his father and then both Jack Brotherhood, his British recruiter and spy master, and Poppy, his captivating Red controller, somehow knowing all the while that there is no self, no "Pym," at the heart of his impersonations and lies. Poppy observes that he is "put together from bits of other people." Brotherhood sees that he's composed of fantasies that "he chopped . . . up and gave a bit [of] to each person."

The book begins near the end of Pym's story, when, somehow having been liberated by Rick's death, he disappears from the view of his British and Czech masters and of the CIA, which has strong doubts about his loyalty. Hiding out in a seaside rooming house where (as "Mr. Canterbury") he has kept a secret sanctuary for years, he writes out his story in letters to his schoolboy son Tom, letters also addressed to all those whom he has served and deceived. Meanwhile an authorial voice describes the efforts of his wife, Mary, Brotherhood, and Poppy to find and save him (and themselves) from the "freedom" he has opted for.

Long ago R. P. Blackmur called metaphor "the double agent," for its way of linking qualities that at once support and (since metaphors are not true) betray each other. Pym has always wanted to be a writer; his narrative to Tom is in effect the novel he tried for years to write. But spying has been his true work of fiction. It has taught him to disappear into "characters" who can represent him, but into whom any self he might have had is absorbed and dispersed, as if in some *Künstlerroman* of Hawthorne's or Conrad's or Mann's. He has always traded in fictions—the famous network of East European agents is almost wholly imaginary, their supposed reports largely supplied by Poppy. But metaphors go both ways: if writing fiction is a good trope for espionage, then espionage is also a good trope for writing fiction, and *A Perfect Spy* is at least as much a comment by the author on his own literary tradecraft as it is a comment on the Great Game of espionage itself.

The living sources of le Carré's novels have long been a matter for speculation. It is no secret that David Cornwell, who writes as "John le Carré," served in the British Foreign Service before beginning his literary career, and many have supposed that personal participation in espionage work stands behind his books. Writing on le Carré in a recent issue of the *New York Times Magazine*, Joseph Lelyveld offers the "informed guess" (informed by hints from Cornwell himself) that, unlike its predecessors, the new novel was not submitted for official clearance lest it be censored or suppressed for representing too closely the author's past involvement in real and sensitive events.

The civilian probably won't feel much worry about this—nothing in Pym's professional history, be it truth or fiction, can startle hardened readers of spy novels or students of the career of Kim Philby. But the matter of sources grows more interesting when Lelyveld goes on to reveal how extensively le Carré has drawn on the private history of David Cornwell in fashioning Pym's life. Pym's father, Rick, whose megalomaniac criminality seems too large and appalling to have any but literary origins—in Dickens, say, or Pynchon—is in fact closely modeled on the author's own father. Ronnie Cornwell, like Rick Pym, was an incorrigible con artist who parlayed charm, nerve, and absolute self-belief into marvelous, if always temporary, semblances of wealth and success.

Both men were black marketeers in World War II. Both set up elaborate networks of dummy corporations, periodically went bankrupt, served prison terms for embezzlement, stood for Parliament only to have their histories exposed in public meetings. Both lived and entertained grandly, on other people's money or none at all, amid an admiring crew of henchmen and doxies. Lelyveld says that Cornwell *père*'s climactic crash in 1954 left him owing $30,000,000 in today's money, and like Rick Pym he died (in 1975) penniless in the midst of apparent affluence.

Having such a father would leave its wounds on anyone, and it can easily be assumed that David Cornwell suffered in many of the ways Magnus Pym does. (A strikingly similar father appears less centrally in *The Naive and Sentimental Lover*, and Ronnie Cornwell threatened his son with a lawsuit over it.) The sug-

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gestion that being a double agent and being a novelist can represent similar responses to such an origin is an intriguing one. But Rick looms too large in Pym's life for the health of this novel. Pym's obsession with him grows boring with repetition, and its literary intent seems blurred. Are we simply to pity Pym for his bad luck in a father, or is some irony supposed to be accumulating around his relentless self-pity? How exactly is the self-mocking jocularity of his own rather Dickensian narrative meant to work?

The problem is compounded by what seems to me le Carré's greatest strength as a writer, his mastery of a weary sympathy and sad understanding in which lofty, amused distaste seems always on the verge of despair about our foolish, sinful species. (This may be a natural tone for ex-intelligence officers who write fiction—think of Graham Greene too.) Such a voice can serve splendidly when secondary figures are in view—Poppy, Jack Brotherhood, and Mary Pym are treated with an affectionate disdain that allows them room to move and breathe surprisingly freely, and most of the walk-on characters are drawn with a deftly malicious sense of their significant reality, and its limits, that Jane Austen, Forster, or Evelyn Waugh would appreciate. But this style can't make clear contact with Pym himself—like le Carré (in Lelyveld's account of interviewing him), Pym is a superb mimic, but his impersonations of himself emanate from some central space empty of all but echoes.

In some ways such complaints don't matter. *A Perfect Spy* will not wholly disappoint the devotee of thrillers. If there's never any doubt that Pym is a traitor, still the process of finding out when, why, and how he became one is pleasantly intricate. And the minimizing of "primary" suspense frees up le Carré's powers of ironic social observation as the earlier books never quite do:

> The village was one of those half-urbanised Georgian settlements on the edge of Bath where English Catholics of a certain standing have elected to gather in their exile. The cottage lay at the country end of it, a tiny sandstone mansion with a steep narrow garden descending to a stretch of river, and they sat in the cluttered kitchen on wheelback chairs, surrounded by washing-up, and vaguely votive bric-a-brac: a cracked ceramic plaque of the Virgin Mary from Lourdes; a disintegrating rush cross jammed behind the cooker; a child's paper mobile of angels rotating in the draught; a photograph of Ronald Knox. While they talked, filthy grandchildren wandered in and stared at them before tall mothers swept them off. It was a household in permanent and benevolent disorder, pervaded by the gentle thrill of religious persecution.

If the book did no more than maneuver itself into positions from which such writing could be done, it would be worth reading.

BUT *A Perfect Spy* is more than good writing and observing, more than a thriller, more even than a novelist's troubled pondering of the sources, and costs, of his talent. It is also a kind of summing up of the social and political conditions within which le Carré has found his career, the public materials his imagination has possessed more strongly than any other British novelist of his generation. I mean, of course, the cold war, which has marked Europeans in ways even the most concerned and anxious American has trouble imagining, and the consequent erosion of their trust in both traditional arrangements of experience and the newer ideologies that offer to replace these for the greater good. It is an elegant touch that has Pym communicate with Poppy through a book code based on the *Simplicissimus* of Grimmelshausen, who fought on both sides of that first Thirty Years' War.

Magnus Pym is a traitor, but he is not a Communist. As le Carré and others have portrayed it, the British intelligence services are (or lately were) a microcosm of the old ruling class, whose arrogant incompetence has cost Britain so dearly. Like all of le Carré's other spy protagonists, Pym was not born to his professional station. His roots lie in the provincial, mercantile, dissenting middle classes, whence he rises (like his father, in a way) by his wits, taking a First at Oxford in 17th-century German literature (George Smiley's subject too), marrying above his class (again like Smiley), and entering a Service in which all are at least nominal gentlemen. Le Carré's real gentlemen-spies (if not actual traitors, like Philby and Bill Haydon in *Tinker, Tailor, Soldier, Spy*) are mostly inept, complacent fools, around whom the shrewder KGB and even the better-equipped if dumber CIA can run rings until someone like Smiley puts things more or less to rights.

Pym is damaged not simply by his own emptiness but by the unworthy objects that invite its service and devotion. Poppy puts it in a way that le Carré surely endorses:

"OUR QUARREL with Qaddafi is *not* because he is promoting 'Moslem fundamentalist revolution,' as the President unfortunately put it at his press conference. It is because he is a rabid Soviet client who murders Americans. We have no quarrel with Islam as such, and we should never give the impression that we do—not when the Moslem world numbers more than half a billion people, many of whom are being steadily murdered by Soviet forces in Afghanistan."

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It's of course a self-serving argument—Pym's wife acutely thinks Poppy a "sham" when she meets him—and Pym responds to it not politically but personally, glad to be assured that Poppy is still his "friend." But I must suppose that le Carré has something important invested in this description of what England does to its sons.

THERE MAY be a similar investment in what *A Perfect Spy* makes of America. It pictures a CIA inhabited by rednecks, jargoneers, computer freaks, and docile careerists, where talk like this generally sets the tone:

> "Gentlemen," Wexler resumed—except he said "junnlemen"... "Our position, Sir Eric," Wexler resumed, with something unpleasantly close to a bow in the direction of Mountjoy's knighthood, "that is—the ah Agency position overall on this thing—at this important meeting, and at this moment in time—is that we have here an accumulation of indicators from a wide range of sources on the one hand, and new data on the other which we consider pretty much conclusive in respect of our unease.... It looks to us therefore that the ah logistics here require us to go back over the ah course a little distance and—when we've done that—to ah slot the new stuff in where we can all take a good look at it in light of what has—ah latterly gone before."

Le Carré does permit this mumbling dunce to be right about Pym's treachery when the elegant gents of MI5 are dead wrong, but the cartoon-like rendering of American stylelessness, and the animus that causes it, are much too apparent. There is more subtlety in Pym's own account of his response to America itself:

> Pym never felt more free in his life until the night Rick died. Everything he still contrived to love in himself was here to love in the people round him. A willingness to open themselves to strangers. A guile that was only there to protect their innocence. A fantasy that fired but never owned them. A capacity to be swayed by everything, while still remaining sovereign.

But there seems no reason to think that le Carré finds such "freedom" any more winning when embodied in a whole nation than when it's simply embodied in poor Pym himself.

But this book is not really an anti-American parable. Pym's tragedy, or pathos, is that the illusions he has lived by are no more intelligible when put in national or ideological terms than when put in personal terms. It may be that le Carré, whose responsiveness to the tones and textures of experience seems more impressive than his powers of analysis, really isn't sure just what happened to Pym. But I suspect that this rich but puzzling novel wants to be a story about how love keeps promising us a better life that it somehow never quite makes good on. Certainly there are signs of such a meaning at every turn. Pym calls himself someone who "can't rest till he's touched the love in people, and then can't rest till he's hacked his way out of it." An ex-mistress remarks that "he doesn't have affairs. He has lives." He thinks to himself that "love is whatever you can still betray.... Betrayal can only happen if you love." An old schoolmate and Tory pederast observes that he "didn't care about money. Love was all he cared about. Didn't know where to find it. Clown really. Tried too hard." He both loves and fears America because it offers such easy access to "lives he had not lived."

This insistent troping of "life" and "love" never quite clarifies itself, perhaps because the link between Pym's discontent and the author's is too deeply buried to permit stable, interpretable irony. *A Perfect Spy* is not a perfect novel, being too densely compounded of thriller, social comedy, political allegory, and personal plaint for any element fully to prosper. But it is a remarkable *something*, most remarkable, I think, in its way of showing a powerful writer trying to bend a genre he has definitively mastered into the service of meanings that are not so much the genre's as his own—trying to make fiction out of a special, strongly felt experience of modern life for whose urgencies fiction, with its necessary reticences and impostures, is at best an imperfect vehicle. It was well worth trying, and it is absorbing to watch the effort unfold, but as Poppy says of Pym and his baffled quest for an adequate form of service: "There are so many ways of taking vengeance on the world. Sometimes literature is simply not enough."

THOMAS R. EDWARDS

Thomas R. Edwards teaches at Rutgers University and is executive editor of *Raritan*.

THE CRUELEST CARTEL

The Randlords
by Geoffrey Wheatcroft

(Atheneum, 314 pp., $17.95)

In 1895 Cecil Rhodes decided to overthrow the independent Afrikaner republic in the Transvaal and replace it with a government more congenial to his interests in the booming gold-mining industry. Rhodes's agent, a medical doctor named Leander Starr Jameson, had earlier won the mine owner's trust by covering up a smallpox epidemic in the diamond center of Kimberley. Disclosure would have made the blacks who did nearly all the actual mining even more hesitant to seek work.

Dr. Jameson planned a romantic cavalry dash from the British colony of Bechuanaland (today Botswana) toward Johannesburg, the Transvaal's largest city. At the same time, organized *uitlanders* (foreigners), people of mainly British descent who had poured into the republic after gold was discovered in 1886, would rise against the Afrikaner government and join forces with Jameson. The raid was a disaster. Paul Kruger, the cunning Transvaal president, was aware of the conspiracy at every step. Rhodes hesitated at the last minute; Jameson galloped off with too few men; there was no *uitlander* rising. The raiders surrendered pathetically short of their goal.

In southern Africa, the Jameson Raid is a byword for indecision and bumbling incompetence. Still, as Geoffrey Wheatcroft explains in his new popular history

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of the early mine owners, the episode may well have inspired Rudyard Kipling's famous schoolboy poem "If"—even though Rhodes and Jameson hardly qualified as men who "kept their heads when all about were losing theirs."

KIPLING HAS not been alone in dressing up the image of the randlords. In the popular imagination, the first mine owners have been regarded as heroic, daring empire builders, strenuous men, larger than life. Wheatcroft's gracefully written and detailed study ought to dispel most of those illusions. In reality Cecil Rhodes turns out to have been a neurotic, pathological misogynist; Barney Barnato a mentally unstable stock-waterer; J. B. Robinson a deceitful and friendless man. Rhodes, whose name has become synonymous with vigorous Anglo-Saxonism, was more accurately described by a contemporary as "a mere vulgar promoter masquerading as a patriot."

The randlords did earn enormous wealth. But their success was owed primarily not to their vision, but to their use of their access to European capital to create an inhuman and hugely profitable system of black migratory labor. There is nothing particularly heroic about reducing wages steadily to malnutrition levels, stealing a valuable gold-smelting process from its inventors, or helping to provoke the terrible Anglo-Boer War.

Wheatcroft skillfully explains how the nature of diamond and gold mining virtually dictated a concentration of ownership in both. It became clear soon after the discovery of diamonds in 1869 that there was excessive productive capacity in the industry, and that only an arrangement that controlled output could maintain prices. The result has been the most effective cartel in history, one that remains in force today and even coordinates selling with the Soviet Union, which is also a major diamond producer.

With respect to gold, South Africa's deposits are located along the Witwatersrand ("Ridge of White Waters"), the geologic formation that gave the randlords their name. The ore is at deep levels (in some cases, two miles), and it is low-grade; a metric ton may yield only four-tenths of an ounce of gold. Right from the start, huge amounts of capital were needed to sink shafts and smelt vast quantities of ore. (Wheatcroft's descriptions of the technical side of mining are particularly well done.) The celebrated battles among the randlords were not clashes among independent titans, but a more prosaic competition for ever-larger amounts of European investment.

The mine owners had one other critical requirement: cheap labor. Black southern Africans quite sensibly were reluctant to work in the mines, where they knew they would experience low wages, disease, and assaults by white supervisors. (Instead, they preferred to remain independent small farmers, and even increased their incomes by bringing their surplus food to markets in the burgeoning mining towns.) At one stage in the early years of this century, the randlords had to import 60,000 Chinese to keep the mines working.

Cecil Rhodes, who had himself selected as prime minister of Britain's Cape colony, produced laws designed to force blacks to the mines. Legislation started to sharply restrict the areas where they could own land, which cut into their economic independence. New taxes were carefully calibrated at a level high enough to leave them no alternative but to go to the mines. (Rhodes smugly defended the tax as "not slavery but a gentle stimulus.") Other laws required blacks to carry "passes"; the documents regulated their movements. It became a criminal offense to leave the mines without permission.

THE SECTIONS on black workers are the weakest in Wheatcroft's book. He has most of the information, but his treatment is regrettably brief. There are only a few pages on "compounds," the closed, policed barracks that the owners set up in the diamond mines to prevent smuggling and that, as they soon recognized, served as another excellent mechanism for controlling their workers. (By contrast, there is equal treatment of an uninteresting feud over horse racing that involves a randlord's heir.) Because Wheatcroft largely leaves the victims out, the old image of the randlords as colorful rapscallions lingers to a greater degree than he probably intended.

Nonetheless, Wheatcroft's history of mining successfully explodes one of the South African government's major rationales for apartheid. The regime argues that the system of separation is the only solution to historic enmity among the various black and white groups on the subcontinent. It insists that black and white can therefore never live together in a unitary state. But as Wheatcroft rightly points out,

> Until the middle of the [19th] century black and white had largely ignored each other. What contact there had been was, despite intermittent wars, often amicable and cooperative. Now all of a sudden white South Africa needed the black man as laborer on the mines. . . .

What is astonishing about South Africa is how little really has changed in the century since the first randlords. Blacks are still not permitted to own land in more than 13 percent of their own country. They must still carry passes that specify where they can live and work (although the Botha government has recently issued a white paper announcing legislative plans to abolish the pass-law system). More than half a million men are still forced to trek to the mines, where they live apart from their families for most of the year in single-sex, guarded compounds. (The barracks are now called "hostels," but the reality is the same.) Today's randlords are also more polished; some even say they are pressuring the government to carry out "reform." If they are sincere, they could start right in their own enterprises.

JAMES NORTH

James North, the author of *Freedom Rising* (Macmillan), spent four years in southern Africa. He is now working on a book about the Third World debt crisis.

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POSTWAR BLUES

Paradise Postponed
by John Mortimer

(Viking, 374 pp., $17.95)

At one point in this expert entertainment, Henry Simcox, novelist and elder son of the Rector Simeon Simcox (a left-wing curate who has died and mysteriously left his fortune to an upstart Conservative M.P. named Leslie Titmuss), says to his mother, Dorothy, that they must get at the truth of the matter, to which his mother replies:

> "The truth! I'm not sure you'd know the truth if you found it. I mean, all those stories and films and things you're always working at. They don't have much to do with the truth, do they?"
>
> "I suppose I could say that there's a deeper sort of truth which can only be reached by fiction." Henry had said that often on television arts programmes.
>
> "You wouldn't say that, Henry. You wouldn't be so silly!" Dorothy was laughing at him now.

This exchange, a typical moment from the novel, may suggest Mr. Mortimer's peculiar virtue (and also his limitation) as a novelist who keeps things moving along by never resting content with anything any of his characters say. In the above conversation Henry's enunciated "truth" is immediately undercut by a deadpan narrative comment about television, after which his mother's witty comeback provokes a further smile from us. There is no attempt on Mr. Mortimer's part to explore the question of whether fiction is in fact a vehicle for reaching "deeper" truths. It is the engaging surface of things, rather, that commands our full attention.

One should note both a similarity and a difference between character and author. Henry Simcox's first novel is titled *The Greasy Pole*, and his film and TV connections are the materials for satirical treatment only. But John Mortimer has adapted for television both his own work and that of others. His "Rumpole of the Bailey" series about a clever barrister (Mortimer himself was a divorce barrister, though he no longer practices law) and his 11-part rendering of Evelyn Waugh's *Brideshead Revisited* in 1982 were notably successful enterprises. (The new novel was written concurrently with the teleplay for it, which will appear in Britain this fall, and presumably here later on, doubtless to much acclaim.)

While England, the tight little island, still manages not quite to sink giggling into the sea, there is much to giggle at in this book filled with English people named Titmuss and Bugloss, Simcox and Naboth, Nowt and Strove and Nubble and Fawcett, and with a public school called Knuckleberries, whose occupants tell each other tall tales of their fathers' heroic behavior in the Second World War:

> One tall, red-faced boy with a premature five o'clock shadow, a great masturbator named Maybrick, told them stories of his father's exploits in the Navy. "Six days in an open boat, my dad was," he said, not for the first time. . . . "My father did commando landings in North Africa." This was Pusey, a minute boy in the corner, lying hopelessly.

That the great masturbator's name happens to be, alliteratively, Maybrick, and that Pusey (a minute descendant of the Oxford Movement's great figure?) is there in the corner "lying hopelessly," indicates how cleverly and ruthlessly manipulative is the hand of Mr. Mortimer, exercised always and only in the interests of entertaining his audience. Beyond that he seems, unlike his satirical predecessors Waugh and Aldous Huxley, to have very little animus toward either his characters or any particular set of beliefs and delusions they might embody.

Paradise Postponed is ostensibly about how postwar England failed to turn into the rosy society its leaders (and the Rector Simeon Simcox) had planned it to be. "The trouble with our father's paradise is that it keeps getting put off, doesn't it?" remarks Simeon's younger son Fred, one of the book's sympathetic characters. (He likes mainly to play the drums and loves tunes such as "Slow Boat to China.") Mr. Mortimer includes in potted form a lot of England's recent social and political history, and we hear about the Aldermaston march of Easter 1958, the *Lady Chatterley* trial, the Profumo scandals, and other, later aspects of sixties high jinks. This material is presented in a suitably detached and skeptical manner, since after all the novelist, like his presumed readers, knows better than to take any of it seriously:

> There was certainly a new feeling of morality abroad: the top place on the charts was gained by a Belgian nun who sang to a guitar. . . . There was talk of a coming election when the New Jerusalem might again be on offer, not this time as the austere and serviceable city of Major Attlee and Sir Stafford Cripps, but as a gleaming steel and concrete Shangri-La, humming with the Mersey Sound and the mass production of mini-cars. . . .

By the novel's end we are in Thatcherite country, the miners' strike over, the Conservative Leslie Titmuss (Mr. Mortimer's rival to Anthony Powell's Widmerpool) headed for a Euro-computer conference in Birmingham.

In all this recapitulation there is the charm of sorting through the forgotten names and events of our recent past—after all, who has lately pondered the Singing Nun, or even Sir Stafford Cripps? The argument could be made that they provide cultural points of reference against which the complicated plot (which I leave unrehearsed here) can resonate. Perhaps. Yet the pleasures of Mr. Mortimer's writing seem to me mainly a matter of style: a precise sense of timing and a flair for apt formulation—the gifts, in sum, of the good comedian. "What's the trouble?" says doctor to patient, who replies, "Look out there, that's the trouble! It's so green and quiet and it's always bloody raining." "That's England, Mr. Mallard-Greene. I'm afraid there's no cure for it." When Fred Simcox's lover, a Mrs. Wickstead, laughs as he tries to show her around his father's parish, he asks what's so funny: "Englishmen." "Why?" "Once they start going to bed with you, they always want to take you into churches." Often Mr. Mortimer as narrator takes over the show, describing Henry Simcox's literary club, whose "brand of nursery food (overdone roasts, mashed potato and jam roly-poly) is very popular with the sort of Englishman who has never totally recovered from an emotional relationship with his nanny." Superior one-liners like these are very much Mr. Mortimer's stock-in-trade.

D. H. Lawrence would have hated it. "Tragedy should be a great kick at misery," he said, and Mr. Mortimer's comedy feeds on and exploits people's miser-

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ies. Joseph Conrad would have despaired over the relaxed omniscience of the novel's narrator ("England entered into the 1960s"). And Ford Madox Ford would have accused it of being nothing else than a "nuvvle," just one more jolly good read a hundred years after the death of Trollope. Compared to Waugh or Anthony Powell, Mr. Mortimer's style is too easy and accessible, his attitudes toward life undisturbing and unweird, too capable of being translated into a smashing teleplay. It even ends on a quiet upbeat. These schoolmasterly reservations having been made, however, *Paradise Postponed* may be enjoyed for the delightful, sly, and fully confident piece of writing it is.

WILLIAM H. PRITCHARD

William H. Pritchard is the author most recently of *Frost: A Literary Life Reconsidered* (Oxford).

THE MYSTERIES OF MEANING

Wittgenstein
by A. J. Ayer

(Random House, 155 pp., $17.95)

Wittgenstein: A Critique
by J. N. Findlay

(Routledge & Kegan Paul, 262 pp., $29.95)

Philosophers are always explaining Wittgenstein to one another and, they hope, to the world at large. In fact, Wittgenstein enjoys a vogue among people who do not count philosophy among their accomplishments. No doubt this is because he develops his ideas without the stiffening of technical terminology. But there is also another, underlying reason: his philosophy is profoundly antitheoretical. His vivid, homely style is the natural expression of its revolutionary spirit. Its enemies are philosophical theorists who imitate the language of science but build their systems in the air. Wittgenstein's strategy is always to bring that kind of thinking down to earth by putting it into plain language and then asking how the plain language is used in real life.

This method can be disappointing at first. As Wittgenstein himself observed, "It seems only to destroy everything that is interesting. (As it were, all the buildings, leaving behind only stones and rubble.)" But the means are justified by the end, which is intellectual liberation. Wittgenstein goes on to say that "what we are destroying is nothing but houses of cards and we are clearing the ground of language on which they stand." The language is ordinary, and the high constructions put on it by philosophers are tested against its actual use. The touchstone is human life and the vocalizations that help it on its way.

The widespread interest in Wittgenstein's philosophy has another, connected cause: the special source of his opposition to philosophical theorizing. What he is really against is the dominance of science. Science gives us a technology that alienates us from the real world and then, leaving nothing to chance, perverts our understanding of the working of our own minds. Freud's theory, for example, was far too mechanistic, and the prevailing superstition of our age is belief in neat, isolated, deterministic systems. Or so Wittgenstein maintained.

In spite of his wide appeal, however, Wittgenstein is really a philosopher's philosopher. This does not mean that his nonphilosophical readers get him wrong. The aspects of his work that attract them are neither illusory nor superficial, but they are not enough to explain what is really going on.

What I have described so far is Wittgenstein's later philosophy, the final position into which he worked his way only gradually. His first book, the *Tractatus Logico-Philosophicus*, was quite different in character. It offered a theory of language that was impressively simple and ruthlessly uncompromising in its restriction of literal meaning to ordinary

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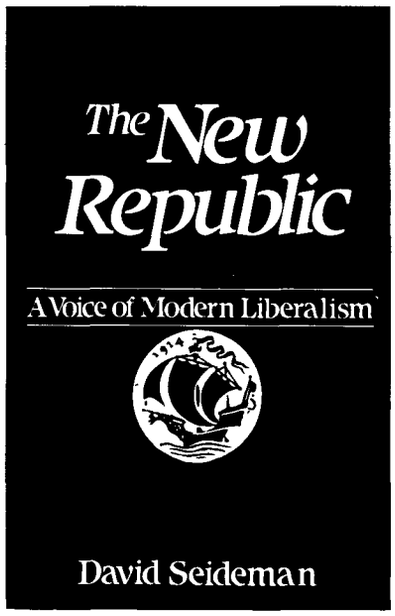

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factual statements and the propositions of science. Everything else, including the theory itself, was relegated to a limbo. The style, too, was very different—oracular but curiously strangled, as if to suit ideas that could not really be expressed in the dominant language.

There is something very strange about conceding literal meaning only to factual discourse. (Nowadays the idea excites passionate interest only in a few scientists working on its advancing frontiers.) Is it really possible to consign everything that gives most of our lives their significance to literal meaninglessness? True, Wittgenstein was not totally rejecting the denizens of the limbo, but only pointing out that they suffered from a semantic impediment. Homer's ghosts could not speak without first drinking blood, whereas Wittgenstein's idea was that while we can call up the disqualified messages from the limbo without any special preparation, we cannot, whatever we do, give them literal meaning.

A theory of language that dismissed so many things that mean so much to us could not be a stable position. It is, of course, not so far out as positivism, but still too close to it for comfort. The positivists of the Vienna Circle felt enough affinity with the *Tractatus* to adopt it as the text of their school. So when Wittgenstein moved into his second position—when he abjured all philosophical theorizing—he was not merely reacting in a general way against traditional philosophy. He was also reacting against his own earlier theory of meaning, because it was too narrow and discriminating. It would be better, he had come to think, to take language as it is and to respect all its different ways of achieving meaning. His later philosophy was a great leveler.

A. J. Ayer and J. N. Findlay tell this story in different ways. Ayer's book is an instructive guided tour that can be enjoyed in a day without much previous knowledge of philosophy. The tone is brisk and often dismissive. Points are picked out of Wittgenstein's writings, developed briefly, and usually rejected. There are occasional stops to assess the more important ideas, but the average pace is impressive and hardly leaves us time to get any sense of the difficulty of Wittgenstein's problems or his reasons for tackling them in the way that he did. And as we listen, the list of Wittgenstein's failures gets longer and longer. Still, we are told at the end that what we have seen is the work of a philosopher second only to Russell in this century.

Findlay's book is a more leisurely progress through the same territory. His style is elaborate and well suited to the phenomenological standpoint from which he evaluates Wittgenstein's work. Husserl sets the standard; what we are given is an elegant juxtaposition of two very different ways of doing philosophy. But it is not so easy as Findlay supposes to tell whether Wittgenstein should be measured against Husserl or Husserl against Wittgenstein. Those who get to this point without any previous knowledge of the subject may well feel doubts about what is going on. Still, the assessment proceeds smoothly and, not surprisingly, it ends badly for Wittgenstein. Findlay's final verdict is that Wittgenstein "has offered us no adequate philosophy of language, nor of logic or mathematics, nor of mind and its conscious experiences nor of anything absolute and transcendent." Still, we were told at the beginning that he "was a systematic philosopher of immense consequence and originality."

A reviewer of books about Wittgenstein must expect to encounter paradoxes, but it really is remarkable that Ayer makes Wittgenstein fail so many tests before allowing him to pass the whole examination with flying colors, and that Findlay makes him fail the whole examination before conceding his great potential. (If only he had worked within the main tradition of Western philosophy instead of trying to break it!) It is, of course, a relief not to find the sort of complete identification with Wittgenstein that often overtakes those who write about him. Findlay says that his book is "highly critical," which is true, and Ayer confesses that his "admiration falls short of idolatry," which is an understatement. It is possible, however, to distance oneself too far from the center of Wittgenstein's interests.

BUT FIRST, where exactly did he stand? Consider an example. It is characteristic of philosophical inquiries that their scope tends to be total. Can the human mind grasp anything at all without altering it in the act of grasping it? Have we any notion, then, of what things are like before we make contact with them? These questions were originally asked about the use of our senses to perceive the world around us, but they are easily transferred to our use of language to describe that world. Perhaps the divisions that our vocabulary makes between one kind of thing and another are really alien to the true natures of those things. Maybe the general forms in which we cast our descriptions of the world are really a kind of distorting lens. A cartographer who puts the earth's pattern of land and sea onto a flat plane has to choose a map projection and, whichever one he chooses, he cannot honestly say that is how things really and objectively are. Is it not the same with language?

Wittgenstein placed these questions at the center of philosophy, and the history

THE CALL

On the phone from Florida, it's Louie,
nearly a cousin, almost long-lost.
There's something important he wants to know,
after all these years. I hear it in his voice.
It's like he's put a package down and looks up
and he sees sky, horizon, trees, something
empty, endless, peaceful, always the same.
"It hit me all of a sudden.
Listen, Charlie, don't worry about me.
I don't second guess myself anymore.
I'm sure I made the right decisions.
Really, people can envy me,
I've been as lucky as hell:
I got my health and all,
I'm like a bull I'm so strong,
I could live forever if I had to,
Charlie—honest I could."
But underneath, there's something else.
Shy, puzzled, urgent is how he sounds. I find
I'm bending over the phone to get closer.
"So how are things? What's going on?"
and then so low I've got to hold my breath
to hear, "Charlie, tell me," he whispers,
"how...how's the weather up there?"
I guess he's asking about the family
he left behind—do they miss him,
the wind and the rain and snow,
the immortals from long ago? and after all
what good would it be to survive alone?
And so I tell him what he wants to hear,
"Lousy, Lou, the weather's worse every year."

IRVING FELDMAN

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of the subject bears him out. His response to them was never direct. It never seemed to him that he had to choose between saying, "No, we cannot tell what things are really like" and saying, "Yes, we can, because fortunately there is a perfect match between our language and their nature." Instead, he questioned the legitimacy of the questions themselves. He concluded that we have no conceivable way of answering them.

We are by now so used to hearing this sort of thing from philosophers that we can easily underestimate it. Why should we not go on answering the central questions of philosophy in the traditional way? It is a bit like bicycling: you fall off if you pause to reflect on what you are doing and it is best to keep on pedaling. Yet Wittgenstein's point cannot be dismissed in this easy way. For his radical objection is that there is no conceivable way of getting between language and the world and finding out whether there is a general fit between them or a general misfit. You can ask, of course, whether a particular factual sentence is true or false, because factual language has its own rules for answering such a question. What you cannot do is to ask whether the whole system of factual language is, in some further way, a good match with the totality of facts with which it is concerned. That is a question that you have no conceivable resources for answering.

Wittgenstein rejects everything "absolute and transcendent," but his position must not be confused with subjectivism or conventionalism. He is not saying that our choice of a vocabulary or our preferences for certain forms of description are arbitrary, and that as a result our language may, for all we know, act as a distorting lens. He is rejecting the way the question is framed; instead of checking "Yes" or "No," he scores out the whole box.

FINDLAY IS well aware of the radical character of Wittgenstein's critique of traditional philosophy, but he underestimates the threat that it poses. This is because he is ready to be impressed by systematic arguments for Wittgenstein's position, but not by the arguments that Wittgenstein himself uses in support of it. Or rather, not by the arguments that he uses in his later writings: for in the *Tractatus* he did argue for it systematically—too systematically, as he came to think later, when he abandoned all philosophical theorizing. So not surprisingly, Findlay is impressed by the *Tractatus*, saying that "nothing that Wittgenstein later wrote can bear comparison with it." He fails to see, however, that Wittgenstein is still arguing for the same position in his second book, *Philosophical Investigations*. True, he uses arguments of a very different kind, but why not? He had come to think that systematic arguments were ruled out by his radical objections to traditional philosophy. The dice would really have been loaded against him if he were obliged to base those very objections on systematic arguments, as Findlay requires.

Let us go back to Wittgenstein's central group of problems and take a closer look at the way in which he deals with them—which will clarify Findlay's misjudgment of Wittgenstein's method. What exactly are the points he makes and why do people miss them? Consider the question of whether our words divide one kind of thing from another along lines that correspond to the real differences between them. How, for example, does this question apply to colors? We can hardly mean to ask whether they are classified in a more realistic way by modern English or classical Greek. It is too obvious that different color vocabularies simply operate in different ways, each relying on its own rules. True, one might be better than another for a par-

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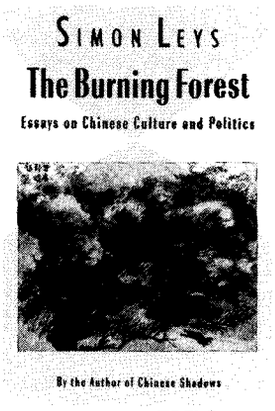

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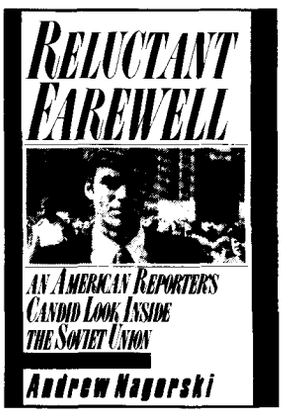

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ticular purpose, but we could not express its superiority by saying that it picked out the real differences between colors, because the inferior vocabulary would pick out real differences too—different differences, of course, but equally recognizable ones. How else could the inferior vocabulary be used consistently? All that we can legitimately say is that one classification may be better than another for a particular purpose.

We seem to have lost the point of the question. But perhaps it did not really have a point for us to lose. That, at any rate, was Wittgenstein's view. He believed that anxiety about the objectivity of the distinctions enshrined in our vocabulary tends to produce an illusion: we treat the differences marked by our words as differences that force our hands and make it impossible for us not to mark them. It goes without saying that they were there before we arrived on the scene, waiting to invite us to acknowledge them. The illusion begins when we suppose that they gave us no option and that we just had to acknowledge them.

Colors are a simple example, but the illusion is profound. Its name, in fact, is Platonism. It is as if someone sat in a plane watching its shadow race over the ground below and imagined that the movement of the shadow dictated the movement of the plane. That, of course, would be absurd, but only because it is a misunderstanding that does not come naturally to us. Platonism, on the other hand, does come naturally to us, as anyone can discover from the history of Western thought. It is for this reason that Wittgenstein does not argue against it in the traditional, systematic way.

Instead, he encourages it to grow wherever it will in all its exuberant variety of forms and then, having held his hand for long enough, he cuts them back one by one. He compares this method to psychotherapy, because it requires the patient to understand not only where he went wrong, but also why. It is evidently a method that will not satisfy anyone who assumes that philosophy ought to be done in the old systematic way.

THERE IS also a second reason for the underestimation of Wittgenstein's later work. He sometimes seems to help himself to the assumption that his adversaries are mistaken, so that all he needs to do is explain how they came to make their mistakes. But in fact that is not what is going on. He does not just assume that his adversaries are mistaken: he uses an impressive group of arguments to prove that they are. But at this point the exegesis of his later philosophy becomes notoriously difficult. These arguments have provoked endless discussion, and there is still no agreement about their precise force. Most commentators maintain that he uses a single "Private Language Argument," but then they discover that they cannot agree about its identification. Some claim that it is to be found at one point in *Philosophical Investigations*, while others locate it at a different point in the text. It is like the quest for the True Cross (except that the assumption of uniqueness was justified in that case).

This is one of the topics on which Ayer dwells at length, but like Findlay and many other commentators, he does not make enough of its place in Wittgenstein's general campaign against Platonism. So it may be helpful to begin by establishing that connection. Let us go back to the possibility that our vocabulary might fail to capture the real differences between things. Two ideas were seen to underlie this suggestion. One was the unexceptionable idea that the differences marked by our vocabulary were already there before we picked them out. The other was the questionable idea that of all the possible preexisting differences, the real ones were the ones that we had to acknowledge because they forced our hands and made it impossible for us not to acknowledge them.

The second idea, the questionable one, gives us a Platonic picture of the book of rules for any part of our vocabulary. For example, the difference between red and green was supposed to force itself on us, so that we could not help introducing names for them, each name governed by a rule reflecting the nature of the color. Our linguistic reactions had to be what, in fact, they are, and anyone following either of the two rules found himself pulled along a kind of monorail, fixed in advance and stretching on to infinity. Nobody ever exercised any choice at any point in his use of these color words or in his use of any other part of our descriptive vocabulary.

This idea is a manifestation of Platonism, and Wittgenstein criticized it in a way that was first analyzed by Saul Kripke. Previous commentators had not entirely overlooked this part of *Philosophical Investigations*, but they did not pay much attention to it until Kripke demonstrated its importance. Unfortunately, he failed to see that Wittgenstein's argument is reductive; its point is that Platonism leads to an absurdity that is not inherent in language itself.

WITTGENSTEIN'S reductive argument is that language would seize up if the meanings of words were tied to their future correct uses and then those uses were pictured as fixed rails stretching to infinity. This Platonic theory would make language seize up, because it would take a speaker's mental equipment and tie it by definition to the imagined rails of his future correct utterances—a piece of fantasy inspired by anxiety, because in fact we are equipped by training in the use of our language and have to use our equipment as best we can. It is as if someone saw a machine as a symbol of its own ideal performance, instead of seeing it as a contraption that might not work and so might fail to achieve its ideal performance, or even as a contraption that might not have had an ideal performance assigned to it.

It is, of course, true that a speaker's mental equipment usually makes it overwhelmingly natural for him to proceed in the way he does, but it does not make it inevitable. In any case, the standard of correct procedure is partly fixed by the way in which he finds it natural to proceed, and more fully and firmly fixed by the way in which the whole community of speakers finds it natural to proceed. These speakers are more like drivers of the machine that lays the rails.

Ayer dismisses this account of language too easily, no doubt because he is not satisfied with Kripke's version of it. It would have appealed to Rousseau, because it locates the authority of a rule in the attitudes of its followers, and even makes what counts as obedience to it depend on what they find it natural to do when they are obeying it. They vote with their feet on its import. This is a liberating theory, because it substitutes real but incomplete guidance for the complete but unreal guidance offered by Platonism.

In the 1950s, after the publication of *Philosophical Investigations*, insufficient attention was paid to this argument because it was eclipsed by another, related argument that immediately follows it in the text: the argument hailed at the time as "Wittgenstein's Private Language Argument." This name was never used by him, and it is a waste of time to look for the true "Private Language Argument."

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The interesting question is about the structure of the second argument and its relation to the structure of the first one.

The conclusion of this second argument was that it would be impossible for anyone to develop a language solely for recording his own sensations, if his sensations were not connected in any regular way with anything in the external world. That is a very strong condition; it excludes any use of material samples for calibrating the speaker's reactions to his sensations and any natural response to a sensation, like a groan of pain. But even then it is not entirely obvious why Wittgenstein did not allow that a person might develop such a language entirely for his own mental use.

THE REASON given by him is that in such a case there would be no difference between applying a word to a sensation correctly and applying it incorrectly. Of course, the speaker might know that he was trying to use it correctly, and it might seem to him that he actually was using it correctly. But Wittgenstein argued that these inner resources would not be enough. The only way to make it look as if they would be enough would be to tie the standard of correctness by definition to the speaker's intentions and impressions of success. But, Wittgenstein concludes, that would make language seize up again. Ayer rejects this argument on the ground that whatever checks the speaker's recognitional capacities required could be carried out on the phenomenal level just as well as on the physical level.

Thus Wittgenstein's two arguments are related to one another in an interesting way. Each of them draws out the implications of a certain philosophical theory, and then tries to show that it would make language impossible. The first argument is directed against Platonism, the second against Russell's theory that a person could set up a sensation language for himself completely independent of anything in the external world. Both arguments assume that there must be a certain tension between language and the world, a sort of give-and-take that is most conspicuous when someone is learning the use of a word.

Wittgenstein's idea is that this tension would collapse if either the correct use of a word were tied by definition to its user's intentions and impressions of success, or its user's mental equipment were tied by definition to its future correct applications, pictured as already fixed. The two ends of the transaction, mind and world, must maintain a certain independence from one another. If they lose their independence because they are connected by definition, then, though a "private linguist" might seem to have learned a language and to be speaking it, that would be an illusion. There would have been nothing for him to learn. He would not really be doing anything. Of course, in real life, when we find that we cannot learn a language, that will be because it is too difficult for us. The philosophy that Wittgenstein opposed reduced the difficulty to zero and, with it, the achievement.

DAVID PEARS

David Pears is tutor in philosophy at Christ Church, Oxford, and author of, among other works, *Ludwig Wittgenstein* in the Modern Masters Series.

The demon behind the dramatist.

GENET'S GLORY

BY RICHARD HOWARD

ON APRIL 16 the *New York Times* headline (to a respectful obituary, contrasting with the editorial leeway—"humorless, intense"—taken with Simone de Beauvoir the day before) read: "Jean Genet, The Playwright, Dies at 75." There is a kind of revisionary thrust in those words, and though I admire Genet's plays, identification of him as a dramatist seems to me to be a tendentious error. In capitalist societies, theater, like cinema, has become the means to denature and trivialize the writing we are uneasy about (how beguiling Peter Brook made *Marat/Sade*!). Or else we drop the plays altogether (Goethe, Strindberg). Genet's plays are an important development of his art and were valuable for him, since they enabled him to escape Sartre's imprisoning comprehension. But Jean Genet was not "the playwright."

He was, first of all, the author of five novels, if texts so lyrical, so drastic, so autobiographical can be called novels: *Our Lady of the Flowers* (1944), *Miracle of the Rose* (1946), *Funeral Rites* (1947), *Querelle of Brest* (1947), and *The Thief's Journal* (1949), the last dedicated to Sartre and Simone de Beauvoir. After Genet had written his last play, *The Screens*, in 1961, a silence in his literature ensued, though his publisher, Marc Barbezat, announced at least five works as "forthcoming." We know now that Genet destroyed all of these. He has left only *Un Captif Amoureux*, a prose text of over 200 pages concerning the Palestinian issue. (As always with Genet, a linguistic question: "Historically the Arab world is doomed because of its language, a language made for prayer, and secondarily for deception—a language without access to its own resources, a language inadequate to the modern world.")

Genet's great texts—his novels, his fictions, his romances—are the great affair in his career primarily because they are the first and perhaps the only texts to set forth for the Western imagination an explicit realization of homosexual eros. They do this by the most elaborate rhetorical armory to be marshaled by a French writer since Chateaubriand: although the tradition of the *mauvais garçon* from Villon to Rimbaud is often adduced, Genet's real achievement is not such brief, inveterate miracles of poetry, but rather a narrative comprehensiveness that makes his "style," like his moral stance, capable of every enormity and of every delicacy, in order to fulfill his passion. He will transform himself by language until he is on the other side of that invisible barrier where all values are reversed, where abjection becomes sanctity and self-hatred a kind of divinity. This is not a transformation likely to be celebrated by the *New York Times* or the Nobel committee—but it seems to me the crucial point of Genet's achievement. As it happens, this achievement was silenced by Sartre's great study of 1952, *Saint Genet, Actor and Martyr*, which Genet said "laid me bare, stripped me naked, quite unceremoniously." I had copied

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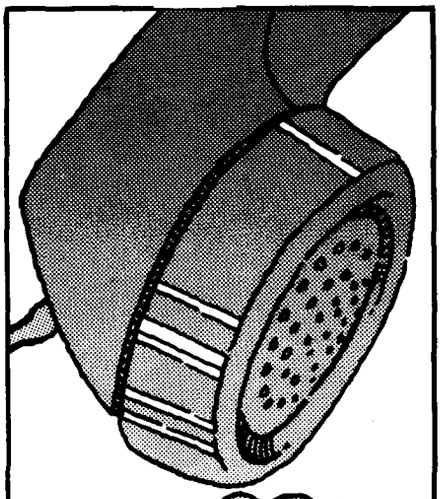

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out hundreds of passages from *Saint Genet* by the spring of 1953, when I had my first meeting with its subject, whose own books had transformed my notions (Shaker Heights! Columbia University! the Sorbonne!) of what sexuality might become in my own life, not to mention other people's.

There, outside the Galerie Paul Morihien in the Palais Royal, stood the great fabulist—he had no address, he had come to pick up his mail. Though by 1952 Genet was no longer a proscribed criminal, he was not yet sterilized by world celebrity, and it was with trepidation that I advanced to be introduced by my friend who ran the gallery. After all, it was not to receive the word that one approached Genet—he was the word. It was to see the master plain: as if there were some sort of lineal blessing to be conferred by no more than presence, and by no less.

Between us, then, passed but one exchange, symbolic enough. After trying to tell the author how much I loved his books and how deeply they had affected me, I found I could do no more than thank him for my pleasure. "Very well. You are homosexual? Very well: it must be pornography." This was not what I wanted to hear, nor do I believe it to this day, but it had its tonic note to sound, as did the coda. I asked Genet what he liked reading: "Myself, I never read." Of course Sartre had already defused that rocket, but the insistence on such an attitude was its own lesson, was it not?—particularly to a bookish Sorbonnard of 23.

IT TOOK 18 years, it took until 1970, when I translated Genet's May Day Speech given at Yale and his introduction to the prison letters of George Jackson, for the lesson to take hold. In the next room sat the pink-and-silver Genet, surrounded by Black Panthers. I had been summoned as a "likely translator," and I remember typing version after version, asking questions whenever the hateful rhetoric seemed to me to defeat even Genet's gift of discursive persistence. Unfailingly courteous, unfailingly curious about linguistic properties as I might wield them on his behalf, the writer "who never read" was again before me, there on the Lower East Side—though he had of course ceased to be a writer. The political activist was now among us, and indeed he was to continue until his death to be someone who never read. Indeed, he persisted in wearing that particular livery—the praise of intransigence, the pursuit of violence—with all the pride of a moralist. As Cocteau had prophesied in 1949: "Genet is a moralist in that he possesses a moral philosophy and never deviates from it by an inch. The result, sometimes, is a kind of sermon."

Thinking about Genet's activism on behalf of Algerian independence, Vietnamese and Japanese dissidents, all demonstrations against racism, and of his defense of the Baader terrorists, I am only too convinced of where that Palestinian codicil will lead us all, prisoners as we are of his theatrical celebrity: it will lead us further into the debacle of a writer who must, by a kind of moral bravado, determine his salvation by a murderous theory. After all, Genet once said that he had probably never committed a murder because he had written his books. And he had stopped writing books. . . . I think of what Annette Michelson (married to Genet's translator and perhaps his only American intellectual friend) told me when we spoke about Genet's death: "You know what Jean always said: 'I couldn't care less about celebrity, it's glory that matters to me!' " It is celebrity, of the theatrical, *New York Times* kind, that we have had from Genet for the last 25 years: celebrity and silence. It is glory that we will have in all the years to come, the glory of those five books—literature as personal salvation, social reintegration, literature as betrayal, sexuality, and love.

CORRESPONDENCE, *from page 6*

"of course poems written out of deep and often passionate faith. What I am proposing is that the poetic medium made it possible to articulate the emotional freight, the moral consequences, the altered perception of the world that flowed from this monotheistic belief, in compact verbal structures. . . ." Here I do not think Alter is talking about "storytelling."

As for Hartman's criticism that Alter is "offhand" with Mallarmé, I can only respond, "What is Mallarmé to him?" Alter takes the trouble to explain that biblical prose and poetry (as well as Greek and Roman) is addressed to an ideal interpretive community that consists of the whole people, not alone a coterie of "fit audience though few."

CAROLE S. KESSNER
Stony Brook, New York

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WASHINGTON DIARIST

Special Dispensations

IT HAS TAKEN YEARS OF persistent goading by human rights activists to get even concerned men and women to understand that torture is not just the attaching of electrodes to genitals, the putting of thorns under fingernails, or other such exercises in the production of excruciating physical pain. The inventory of such methods of abuse has doubtless grown in our time, and inevitably has overshadowed the less visible and palpable, though equally cruel, forms of torment of prisoners. The inventory of these procedures is long enough and inventive enough—and in common enough usage—that the term "white torture" has been coined to describe them. The Americas Watch Committee is in some measure responsible for heightening our awareness of how political and security police systematically engage in the destruction of personality through mock executions, threats against the victim's family, deprivation of sleep, constant playing of loud music, and other disorienting, intimidating, and humiliating practices. Citing several instances of such psychological torture, the committee's 1983 report on Chile goes on to argue that, in contrast to the effects of physical abuse, mental "damage, more difficult to treat, often outlasts physical scars and goes deeper." Nightmares, sexual dysfunction, clinical depression are only some of the consequences, many of which are "repressed for years." The argument is convincing, and there is little doubt that the evidence Americas Watch mustered is partly responsible for the Reagan administration's current distancing of itself, however grudgingly, from the Pinochet dictatorship. Given this, it is particularly disheartening that in a recent report on Nicaragua, Americas Watch turns its back on precisely those brutal realities of psychological torture that it has so deftly illuminated in the past. This is such an uncharacteristic display of callousness that it can be ascribed only to an ideological decision to wash away the sins of the Sandinistas. Americas Watch does not deny that there have been documented cases of what it here rather more squeamishly calls "the application of psychological pressure during interrogation." But it does not charge, as it did with reference to Chile, that these stratagems "can cause psychic wounds as deep as physical mistreatment." What Americas Watch does, in fact, claim, against the weight of its own historic pleadings, is that such practices—at least when practiced in Nicaragua—are not "generally associated with the word torture" at all. Torture is torture is torture. It is not a rose, not even in Managua. This double standard about "white torture" once again puts into question the bona fides of Americas Watch as an objective human rights reporter in the region.

NICARAGUA OCCASIONS ALL KINDS of special pleading, much of it dissembled. If all you knew, for example, about Michael Walzer's recent TNR critique of administration policy in Nicaragua (and implicitly about our pro-*contra* aid editorial too) was what Anthony Lewis wrote in his *New York Times* column of April 14, you might end up thinking that Lewis and Walzer were in agreement on how to deal with the Sandinistas. "Walzer . . . a political philosopher with a particular interest in ethical questions . . . does that rare thing," says Lewis, "looking at a familiar problem and analyzing it so clearly, so simply, that we see it for the first time." Note, first off, Lewis's sham claim to an epiphany. His subsequent argument, however, is the same one he's been making against any American intervention anywhere for more than half a generation. For all the pretense, then, Lewis doesn't see it as Walzer does. Walzer, for one, has no illusions about present-day Nicaragua. Unlike Lewis, moreover, he thinks we need a strategy—different from Reagan's, different from TNR's, but a strategy nonetheless—against Sandinismo. "The Sandinistas will remain our enemies; and we should remain their enemies. Insofar as we can make things hard for them, politically or economically, we should do that." Walzer's strategy entails spending "a lot more than $100 million" in a protracted social and ideological struggle in the area. You wouldn't sense any of this from Lewis's appropriation of Walzer's moral authority (and reasoning) on behalf of a view of the world that is so relentlessly accommodationist—so squishy, in fact—that it hardly allows for a foreign policy at all.

THE ABOLITION OF SOUTH AFRICA'S hated pass laws and "influx control" regulations may well be the indispensable first step toward the dismantling of the apartheid system. That's certainly how the State Department would want it to appear. Not just to appear, in fact, but actually to be. Difficult though it may be for his critics to concede, Chester Crocker, the assistant secretary of state for African affairs, deserves much of the credit for the reform measures announced by President Botha last week. One does not have to be an expert on the mentality of the Afrikaner elite in Pretoria to understand that its concessions were made to the United States and not to the long-victimized and disenfranchised black, Coloured, and Asian majority. And that is much of the problem. The regime does not see the greater parts of the population as legitimate actors in the political process. It does not really see them as citizens at all. And it does not see them as citizens because the foundations of the South African state and of South African society are built on a Nazi-like theory of racial superiority and classification. Nothing Botha's government has said (or even hinted at) indicates any inclination to repudiate that evil doctrine—if not in the collective hearts of the startlingly primitive Afrikaner tribe, then at least in the halls of power, which is in any case more important. Even the ruling National Party's so-called *verligtes* (enlightened) element believes that rights are dispensed (and dispensed with) by whites. Many of them still seem to be persuaded that by ending the pass laws they have met their obligations to world public opinion. This is even before they have done anything about the Group Areas Act, which determines where blacks may live and work. While perhaps less onerous and humiliating than the pass laws on a day-to-day basis, the Group Areas Act has been the effective guarantor of apartheid in both the residential and industrial spheres. There will be no hope for South Africa, and there should be no cheers for South Africa, until the regime demonstrates that it is ready not just to dispense an incidental right but to dispense with its own monopoly on power.

M.P.

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